THE CATHOLIC UNIVERSITY OF AMERICA

THE

MONUMENTA GERMANIAE HISTORICA:

ITS INHERITANCE IN SOURCE-VALUATION AND CRITICISM

A Dissertation

SUBMITTED TO THE FACULTY OF PHILOSOPHY OF THE CATHOLIC UNIVERSITY OF AMERICA, IN PARTIAL FULFILLMENT OF THE REQUIREMENTS OF THE DEGREE OF DOCTOR OF PHILOSOPHY

BY

WILLIAM THOMAS MILLER GAMBLE

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FOREWORD

The *Monumenta Germaniae Historica* is a collection of sources for German mediaeval history dating from 500 to 1500 A. D., the publications of which have been successively issued for more than a century. The historical society for this venture in source-publication, which the statesman Baron von Stein had for nearly four years been attempting to form since the summer of the Battle of Waterloo, met and was organized on January 20, 1819, and on August 14, 1826, George Henry Pertz, who for fifty years afterwards remained head of the enterprise, was able to announce to Stein, with thanks in the name of the whole nation for his unwearied efforts to launch the enterprise, that the first volume of the first section had appeared.

The divisions of the whole collection, as outlined in the plan of 1819, are the *Scriptores,* the *Leges,* the *Diplomata,* the *Epistolae* and the *Antiquitates.* These divisions have in the main been adhered to, together with the time-limit set by the plan; though with some important extensions of pre-mediaeval material, and in series that constitute fresh subsections such as the *Auctores Antiquissimi* which was begun in 1877. From 1826 to 1903, thirty volumes of the *Scriptores* proper appeared, on an average of one in every two years. In 1831, Böhmer's *Regesta* of the Royal and Imperial charters first appeared; and, though only four volumes of the *Diplomata* are listed before 1921, these represented the important work of the period between 1887 and 1909. Together with the *Regesta* of Böhmer and Chmel, twenty volumes relating to this section had been published before 1909. The *Leges* section began publication in 1835, four volumes appearing before 1874, which were increased to twenty before 1921. Publication in the *Epistolae* section did not begin until 1887, nor in the *Antiquitates* until 1881; the former had twelve, the latter ten volumes completed before 1921. Under Pertz' management between 1826 and 1874, forty-two volumes of the *Monumenta* had appeared, not counting the yearly volume of the society's journal, the *Archiv.* Before Bresslau published his history of the enterprise in 1921,

at least 115 volumes of the *Monumenta* had appeared. This does not include the *Archiv,* the *Neues Archiv* (as the journal was called after 1874), nor the fifty-eight editions of mediaeval writers and sources in the *Scriptores Rerum Germanicarum.* The war period suspended publications, but from 1920 they were resumed, and include five volumes of a new series of the *Scriptores rerum Germanicarum* by Bresslau, Hofmeister, Krusch and others, a second volume of the *Regesta* of Gregory VII by C. Caspar, and other works, such as a volume in the *Necrologia* sub-section under the *Antiquitates.*

Besides the outstanding personalities connected with the enterprise to which we have had occasion to refer in this study, should be mentioned, for the period under Pertz' management: in the *Scriptores,* G. Waitz, L. C. Bethmann, W. Wattenbach, R. Wilmans, R. Koepke, Philip Jaffé; for the *Leges,* T. Bluhme, I. Merkel, K. de Richthofen, A. Boretius, K. Zeumer, H. Sohm, the last three working also in the eighties and Boretius in the nineties. For the *Epistolae* in the last-mentioned decades, P. Ewald, W. Arndt, E. Dümmler, E. C. Rodenburg; for the *Poetae Latini* sub-section under the *Antiquitates,* besides Dümmler, L. Traube. In the twentieth century, M. Tangl in the *Epistolae,* B. Krusch and Wilhelm Levison in the new series in the *Scriptores,* S. Herzog, T. L. Baumann and M. Gastlinger in the Necrology sub-section, require mention, as well as T. Mommsen's edition of the first part of the *Acts of the Roman Pontiffs* in 1898.

The one hundredth anniversary of the Society for the Historical Knowledge of Early German History was to have been observed by the appearance of a full account of the history of the enterprise by one of its most eminent workers in the *Diplomata* section, Harry Bresslau, whose death has been announced in the historical journals during the past year. The vicissitudes of war had delayed the work. Dr. Bresslau had been compelled to leave Strasburg on December 1, 1918, on a twenty-four hour notice, taking with him at the time only so much of his manuscript material as would constitute about 100 pounds of luggage. Though most of the work was done, complete proof-reading was delayed, and the history, constituting the forty-second volume of the *Neues Archiv,* the periodical of the society, was not published until 1921.

Thus the history of the enterprise has been written, and it has been much discussed from various aspects, by workers on its staff and others, *vide* Waitz' sketch in the *Historische Zeitschrift* of 1875, and O. Holder-Egger's reply to the critics of the work before 1888. It has the distinction of being the first comprehensive national collection of sources undertaken in a cooperative venture with full advantage of facilities for modern research, and with a survey of material comprehensive enough for the requirements of comparative criticism, as its principles were developed by German scholars before the close of the revolutionary period. Today it stands unsurpassed in its field, even when similar national enterprises, such as the *Rolls Series* for England and the *Documents Inédits* for France, are taken into account.

The type of historical scholarship which in the first two decades of the nineteenth century began to win for Germany international recognition since the publication of such works as Niebuhr's *History of Rome* in 1812 (republished and revised in 1827-1828, when the volumes attracted their full meed of attention) and Savigny's *History of Roman Law* (1815 to 1831)—was mainly characterized by (a) requirement of close textual and internal scrutiny of documents with the purpose of finding original sources; and (b) by method in that scrutiny to the ends of constructing the original text of documents from comparison of codices, and of determining the relation of dependence of one document on another so as to reach the content of original testimony so far as possible; and (c) by a general perspective of history which has been called "organic," tending to trace developments and group facts with reference to a concept of their vital unity, so that together with fidelity to method in seeking original documentary evidence, there was the aim to respond intuitively to indications in the testimony of inward and formative principles in the sequence and relations of historical phenomena, with the aid of sensibility and imagination on the part of the historian; documents being regarded as traces of vital developments, even as having relations to each other almost organic.

It was this characteristic way of regarding the task of the historian—which had been shared by older contemporaries of the first eminent scholars and historians of the post-Napoleonic period, such as Heeren, Pertz' master at Göttingen and Gustav Adolf H. Stenzel, who had much influence on von Ranke as a student at

Leipzig—which made the great difficulties and the vast labors of founding and continuing such an enterprise as the *Monumenta* seem to be necessary and when launched, more than worth all the efforts it had cost.

The aim of the present study is to indicate, in a general survey of several aspects of the history of historical perspectives and criticism, particularly source-criticism from the beginning of the Middle Ages to the nineteenth century, some of the attempts and the achievements, the results of which ultimately entered into the heritage upon which the German scholarship of the early nineteenth century was able to build. In tracing these successive developments of historical outlook and judgment, the purpose is to observe some of the ways in which progress in historical criticism is helped or hindered, stimulated or vitiated, narrowed and distorted or disciplined and liberated by contemporary circumstances, by viewpoints of current acceptance and by the interplay and conflict of scientific with non-scientific interests.

In this tracing of various developments of historiographical interest, outlook and source-criticism, the central idea has not been to represent the *Monumenta Germaniae Historica* as some supreme climax of achievement toward which centuries of merely tentative and abortive effort led up. Lines of progress are apt to be disconnected and uneven in any department of knowledge. A pertinent instance of this near at hand is the fact, to which we refer in the first part of our first chapter, that although the early workers of the *Monumenta* looked back to Mabillon as one of their models, yet the diplomatic science of Mabillon was practically not utilized in the *Diplomata* section of the *Monumenta* until after the death of Böhmer, when the work on the charters had been going on for forty years or more. Even in such a work as the *Monumenta*, which from the very nature of the case was an enterprise for the recovery of historical evidence that was disappearing even while the difficulties of the venture delayed and hampered the search for documents—that recovery was necessarily incomplete and partial. The careful and thorough researches made by Waitz failed to convince him that there was any criticism in the mediaeval historians worthy of the name, but later and more sympathetic study has amply reversed such judgments.

Though we have used the word "perspective" often in our

account, we have not been aware of the insidious assumptions that may accompany that word in historical connections—the assumption that the modern mind is justified in looking at the past as at a vista, in which the more remote in time interests are, the more dim and insignificant they may be permitted to remain. With such a conception of "perspective," the documentary historians of the Romantic period made a complete break. To make the past more vivid and vital, to make history in Michelet's phrase a "resurrection of the flesh"—this was their object, not, as with the *savants* of the Enlightenment, to make it more dull and subdued in order to heighten the triumphs of modernity. And this is the most distinctive and characteristic contribution of Romanticism to the scientific spirit in historical research. It would be doing the greatest possible violence to the spirit of the founders of the *Monumenta,* were we to give its antecedents what might be called the modernist type of perspective. Yet without perspective, in some sense, it would be impossible to write a consecutive account of any series of human phenomena. The most rigidly scientific account of the development of a science, of its difficulties, moments of arrest, defeat, decline, or advance, must be written from a standpoint, from which the central theme is selected, from which all matters considered in the study are related to that theme. And standpoint necessarily involves in some sense a perspective, however relative that perspective may be assumed to be.

Two other words which occur in important connections in this study are "inheritance" and "tradition." The term "inheritance" as used in the title, is employed in the general sense of a cultural attitude of valuation transmitted from generation to generation, whether as an instinctive mental habit formed by social atmosphere and habitual assumption, including the congenital racial or family factors that might enter into it, or as a consciously inculcated theory, doctrine, seminal idea, system or method, involving a cultural valuation, which may be transmitted from one generation to another by family, national, sectarian, or other group-educational agencies, this conscious and systematic transmission arising from a warrantable solicitude lest the inheritance be lost or dissipated, and posterity deprived of its benefits. This latter transmission of inheritance, consciously and solicitously inculcated in education, and received and acted upon more or less reflectively,

would be more properly distinguished from the more unreflective transmission of habit, custom or example, by the term "tradition." It is needless to say that in such a distinction we are considering tradition and the more general concept of inheritance only on the human, cultural side, without contemplating a definition of ecclesiastical Tradition. Such cultural tradition, as treated in our study, might lie at the basis of the heritage, and might be repeatedly revived to re-enforce and perpetuate the more instinctive, passive and habitual sides of that inheritance; and it might take new and progressive forms and methods with each revival, without necessarily being, in the modernistic sense, a "re-statement" or a "re-interpretation" of the essential tradition, but being still a genuine continuation of it. However persistent may be the power and influence of sheer inertia, of the automatic impetus of habit, example, congenital traits in the *ethos* of a family, sect, nation, or other cultural group, in western countries no cultural valuation that is based on the transmission of mere instinct and habit, can long resist the forces of change; hence the conscious disciplines of a tradition, in the sense in which we are using the term, are necessary for the survival of cultural valuations. This is just as true of the more destructive inheritances, which lose force unless revived by the distorted traditions that are their real basis, as it is true of the conservative and constructive inheritances, and the indoctrinated traditions which often lie dormant within them as their vital principle.

If the thesis connected with our use of the terms "inheritance" and "tradition" is tenable, and if the valuation of historical sources has repeatedly been in danger of extinction, but for the resurgence of a conscious and rational tradition, then the Patristic concept of universal history is not merely, as is generally conceded, the first notable instance of a historiography with a universal purview, but by the tradition of its moral and spiritual comparative valuation of Mediterranean, west-Asiatic and African civilizations and their mutual relationships, it laid foundations upon which alone were possible all subsequent comparative historical study in the west could be built, no matter how such study may attempt to dissociate itself from those foundations—even over the widest fields contemplated by modern *Kulturgeschichte,* ethnology and anthropology. And the contributions of Catholic missionaries to such

sciences refute the charge that spiritual and moral criteria, taken as the starting-point of criticism, logically or necessarily conflict with or impede judgment based upon comparative study of facts and phenomena.

That there is a real danger that the interests of learning and of historical research and criticism may suffer vitally through influences which claim the authority of science and plead the cause of technological progress, more than one warning voice has been raised to assert. No one could readily suspect Paul Elmer More of Princeton or Irving Babbitt of Harvard of "clerical" bias, yet warnings of this tenor have pervaded all their more recent writings. This present study is an attempt to show that learning has been repeatedly threatened with extinction, in the name of racial pride, in the name of "pure religion," in the name of "enlightenment," as recently in the name of "science"; that the survival of the values in which the life of scholarship depends, has been due to the preservation from decay or destruction of a cultural inheritance by the repeated revival of an alert and progressive rational tradition; and that the basic institutional support of that tradition, in its essence, is to be found nowhere else than in that very Church which, by this same "pure religion," this same "enlightenment," this same quasi-science, has been defamed as the seat and source of all obscurantism.

My grateful acknowledgments in connection with this study are primarily due to the Reverend Dr. Peter Guilday, in connection with whose seminar the subject was assigned, the work discussed in its various stages, and direction and advice given. Courses taken under the Reverend Dr. J. P. Christopher in Latin apologetic literature of the third century, and the Reverend Dr. Ignatius Smith, O. P., in the Psychology and the Sociology of St. Thomas Aquinas assisted in supplying background for study of the Patristic interpretation of history and for the Catholic historiography of the Middle Ages. Lectures by Dr. Leo Stock on historical method as applied to modern sources and by Dr. John A. Ryan on aspects of political and economic theory connected with the general period in which the *Monumenta* was produced, were of help in supplementing the modern parts of the study.

In a more material sense my chief benefactors have been, first, the authorities of the Catholic University for permitting me to pursue my studies in connection with the historical department on most liberal terms of regulative stipulation; and secondly, to His Eminence Carl Joseph, Cardinal Schulte, Archbishop of Cologne, whose guest I had the honor to be for ten months at the *Collegium Albertinum* at Bonn, a liberality which made it possible for me to remain long enough in Germany to learn the language and obtain access to needed material on my theme. The assistance in this respect, and the hospitable kindness of Monsignor Serres and of his assistant priests, the Reverend Drs. Ernst Reckers, Wilhelm Heinen and Wilhelm Oslander, my immediate hosts at Bonn, are memories I shall always cherish. Highly-valued information and the gracious courtesy of a delightful interview placed me in debt to one of the living workers of the *Monumenta* today, Professor Wilhelm Levison of Bonn University. Access to these privileges was due in the first instance to the kindness of a letter from the Right Reverend Joseph Schrembs, of the Diocese of Toledo.

For assistance from the Reverend Kaplan Jünger and Herr Lenssen at Bonn, indispensable to this work, from the library management of the University of Bonn; from Mr. Goldberg, of the Congressional Library; for valuable help from Dr. Guilday, Dr. Christopher, Dr. Boniface Stratemeier, O. P., and Miss McShane, in going over the proof-sheets of the dissertation, I am greatly appreciative.

My chief obligation, however, has been to Dr. Guilday, in whose seminars since 1923 a cosmos of subject-matter and historical method was opened to me to which I had previously been a stranger.

There are remoter contributions to this study from former years and former associations of which I could not be forgetful: from Dr. Bliss Perry, under whom I spent part of the year 1899 in graduate study in Princeton, principally on the works of Coleridge, from which study dates my earliest appreciations of the "Romantic" type of critical thought. In the previous year, a long-remembered course on Dante under Professor George McLean Harper gave me my introduction to mediaeval thought and ideals.

MONUMENTA GERMANIAE HISTORICA

CHAPTER ONE

Valuation of Documents among the Franks and Germans: 551 — 1008

Johann Friedrich Böhmer, in that first interview with Baron vom Stein on February 11, 1823, which resulted in enlisting Böhmer in the *Monumenta* venture, was influenced to devote himself to the *Diplomata* section of the plan by Stein's observation on that occasion: "The history of our German life is better learned from the charters than from the chronicles."[1] Yet neither Stein nor Böhmer himself, even throughout the latter's lifelong study of charters, seem to have suspected the importance of research into the varied history of the production of mediaeval *diplomata,* into the national tendencies, the variations of legal development and practice, and the growth of professional modes of technique or the local expedients which both reflected and conditioned the mediaeval use of documents and the widely contrasted mediaeval valuation of documents. The importance of Böhmer's contribution to the study of documents concerned other aspects of that study than this field, the opening up of which was reserved for Julius (or Caspar) von Ficker and Theodor von Sickel, men of Austrian origin or affiliation, by their pupil Mühlbacher, by Henry Brunner and later by Harry Bresslau, whose collective labors brought German documentation fairly into line with the science of Mabillon and extended it further, in correlation with the advances made on the basis of the Mabillon tradition in France by Leopold Victor Delisle, Jules Quicherat and A Giry.[2] Our sketch of mediaeval documentary

[1] Richard Rosenmund, *Die Fortschritt der Diplomatik seit Mabillon,* Munich and Leipzig, 1897, p. 43.

[2] Rosenmund, 46 f. for Böhmer: chapters 5 to 9, and summary of ch. 10 for Stumpf, Ficker, Sickel and Brunner.

valuation therefore is based upon researches into the legal aspects of documentary interest made by workers in the *Diplomata* section of the *Monumenta* which began more than a decade after the middle of the nineteenth century, using particularly works of Bresslau and his seminars, which embody results reached by von Ficker and von Sickel.[3]

In our first three chapters we are concerned with evidence from sources included in the three principal sections contemplated in the *Monumenta* plan—the *Scriptores,* the *Diplomata* and the *Leges.* It will not be necessary to go behind the evidence supplied by Bresslau, Lasch and Ellinger, since the instances they cite are sufficiently numerous and rich in variety to warrant conclusions. It will be convenient for our purpose to begin with the legal aspect of documentary valuation in the middle ages, as reflecting the conflicting influences which, by affecting their value as legal evidence, encouraged or discouraged their use; and as seen in the different considerations which could weigh in the successful challenge of documentary evidence.

Charters or documents (in the stricter sense of the word document) were formal statements, certified and later almost universally sealed, and issued by spiritual or temporal dignitaries as means of conveying, defining or recognizing some right, privilege or exemption. To protect him in the exercise of the latter, the receiver held the document as evidence of it, and produced it in court if it was necessary to take action against a contestant of his right. The definition of "document" here may be extended to

[3] Harry Bresslau, *Handbuch der Urkundenlehre,* Leipzig 1889; I, ch. 1, 2, 9. George Ellinger, *Das Verhältniss der öffentlichen Meinung zur Wahrheit und Lüge im 10. 11. und 12. Jahrh.,* Berlin 1884. Berthold Lasch, *Das Erwachen und die Entwickelung der historischen Kritik im Mittelalter, vom 6. bis zum 12. Jahrh.,* Breslau 1887. Bresslau avails himself of the somewhat more negative conclusions of Ellinger rather than of the significant material indicated by Lasch; yet the mass of material supplied him by Sickel, Ficker, Brunner and other diplomatists together with his own researches in this connection, yield important and positive results.—The death of Harry Bresslau, reported while these pages were in preparation, removes one of the foremost diplomatists of our time, whose close associations in the work of the *Monumenta* devolved on him during the difficult war and post-war periods the task of writing the history of the enterprise upon whose material we shall so largely depend.

include deeds or other written statements in which private conveyances of property or other rights were embodied. For our present purpose the meaning of "document" is so extended, though it is necessary to bear in mind the contrast between the position of invariable legal force maintained by the charter proper throughout the middle ages, compared with the varying attitude of law toward the private document.

Study of cultural indices in documentary valuation in the middle ages then leads us first to the chanceries, the archives and the judicial courts of Popes, Bishops, monarchs, of feudal and eventually civic authorities, and is hence of legal character. There was a historical interest in documents and a very real development of historical criticism, but this must be considered in the light of these typical cultural, social and political conditions which are discernible in the changes and variations in the legal attitude towards documents in the middle ages. The legal document and the valuation placed upon it by the mediaeval court under varying conditions of time and place registered certain social facts which go far in explaining the character of historiography, especially in the earlier mediaeval periods. Mediaeval society on its temporal side was not, and never could be a closed system with all the interrelations of its parts permanently fixed and defined, like the caste system of India or the Mesopotamian social scheme reflected in the Code of Hammurabi. It was a developing and dynamic society, full of conflict and friction, operating under a fundamental check repeatedly applied by the Church, which was its basic communal bond. The Church was always assisting in the changes and in the new creations or readaptations of social development, and at certain points always withstood them. One of these points at which the check might be expected to act, was whenever the appetite for power or possession of any one group threatened the extinction or the absorption of any other group whose rights the Church to any degree had recognized. Thus, mediaeval society was kept repeatedly confronted by the difficulties of its task of mutual accommodation between social elements representing widely different manner of life, tradition, and practical aims. Friction and conflict were intensified, but impatient attempts at violent short cuts by elimination of one or the other feebler factor in the problem were punished by the emergence of some new factor in the ever-

developing situation. There was no prospect but that of ultimate complex mutual adjustment so long as the Church was in a position to apply her check; and yet, paradoxically, since distinct social factors kept emerging and securing rights, it could easily seem as though final and universal social adjustment was being indefinitely postponed. Feudal lords might at times oppress and waste their serfs and villeins by exactions and warfare, but prince-bishops meanwhile were fostering and protecting from knightly encroachments the beginnings of civic life. The monarch, too, found absolutism impracticable, and often wrought more constructively as a personal leader, as in the case of Henry the Fowler and Conrad I, than later when torn betwixt the national problems and the wider Imperial ambitions. No institutional stability could be built, however, upon mere personal capacity for leadership, hence feudalism, the city, and the Empire were preserved together with all their mutual conflicts and ill-fitting readjustments, because they came, in modified form, from an antiquity with which the Middle Ages in general regarded itself as continuous. This characteristic mediaeval sense of preserving antique heritages, both Germanic and Greco-Roman heritages—combined with characteristic defects in understanding these heritages in all their historic connections, defects which were corrected by a gradual but real progress toward such an understanding—is discerned throughout the isolations, the mutual distrust, the barbarous group-cunning and group-violence that ensued upon the decline of the Carolingian Empire. It seemed to be a law of mediaeval life that all surviving elements of civilization must be preserved, all the more doggedly the less clearly they were understood, and that organized social interests, spiritual and temporal, should continue to diversify and multiply in a type of competition in which feebleness was not assumed to be a sign of unfitness to survive. Progress, thus conditioned, could not but be slow, but it was not without hopeful prospect, however tempered by ever-recurrent misgiving, as expressed in the rather tranquil and even cheerful pessimism of Otto von Freising. And when we mention the name of one who was, in a sense, the Aquinas of mediaeval historiography, we remember that it was in his century, the twelfth, that the contending forces of mediaeval life began to show signs of mutual adjustment and accommodation, and were in a better state of equilibrium than at any previous period. In our

study of legal documentary valuation, of the growth of distinctly scientific and disinterested point of view among historians, of demand for objective fidelity to fact and bolder scrutiny of sources, we shall find that it is in this century that progress in this respect is most clearly marked.

In charters, then, and in the variations of documentary law we find registered some of the same characteristic movements of mediaeval life which affected its historiography. What we have to observe, in a rapid survey of this field, is first, that from the very beginning of the mediaeval period we find at the Frankish courts all the essential elements of legal documentation in a fully developed form. This is clearly due to contact with Latin civilization, yet the Frankish charters and the laws relating to them are just as distinctively Germanic in form, or at least essentially modified by non-Latin traditions, as they show consciousness of relation to the Roman Empire. The chief difference is shown in the use of the seal. Seals were used in official letters in Roman antiquity only to enclose the letter by being stamped on the enveloping threads, to prevent tampering with the contents. When the letter was opened by or in the presence of the recipient, the antique Roman seal was destroyed. The Frankish seal, on the contrary, was on the face of the document, and was for the purpose of permanent certification, and ever since in mediaeval, especially German documents, the seal has held a central place in charter-authentication, which it continues to hold in modern diplomatic. This does not mean, of course, that seals were universally used in mediaeval documents, but that their use gradually extended until in Germany it was almost universal. Laws against charter-falsification were severe: more frequently the penalty was the loss of the right hand, which might be redeemed with the money equivalent. Sometimes it entailed loss of life or money-equivalent. In the earliest period, however, only royal charters come under consideration. The first examples of sealed private documents are from the ninth century. During this century there is evidence of the use of episcopal seals, as in the Synod of Mainz in 888. The year 874 marks the earliest known use of Frankish non-royal seals. Instances of seals of non-royal dignitaries increase rapidly from about 950 to 1050. Later they are extended even to Italy, where the antique Roman tradition of notarial certification continued, the seal, where it was added,

being corroborative in force. In the thirteenth century seals become the rule in German documents. In the early half, seals of noblemen, provosts, deans and parish priests become common, and in the latter half, of plain citizens; of Jewish communities and individual Jews at the end of the thirteenth and in the fourteenth centuries.[4]

The crucial moment for document-valuation in German law was the decline and partition of Charlemagne's Empire, with its demarcation between the Romance and the German worlds. In Bavaria, which contained at first Romance-speaking minorities, the use of documents dragged out a lingering existence until these minorities were absorbed into the Germanic population or adopted the prevailing language and customs. Then, owing to the prevalence of the Folk-Law, based on racial custom and tradition, documents became more than doubtful as legal evidence, always excepting, of course, those of the Church and of the sovereigns, Imperial and Ducal. With the Saxons, Frisians and in part the Thuringians, who had come at least into contact with Latin civilization, documents had little or no evidential value; and after the post-Carolingian situation, the Allemani and the Bavarians, who had previously accepted the capitularies of the Ripuarian or Rhenish Franks to some extent, allowed the latter, with its provisions for contest and vindication of documents to lose force in favor of the Folk-Law. The result is seen in the scanty number and informal character, apparently because they had no evidential value in court, of documents of the tenth and eleventh centuries in Franconia, Swabia, Lorraine, Fulda and Prüm.

Even between the Salic and the Ripuarian codes, whose provisions in this respect have the same general features, there are significant differences in which one observes that the Ripuarian code, representing Frankish law nearer to *Volksrecht* soil, makes it easier for the contestant of a document to overthrow its evidential force, while the Salic law, retaining more of the Latin respect for written record, tends to favor the producer of the document. Yet both the Salic and the Ripuarian law, in their main features, exemplify strikingly the blending of Latin and Germanic elements of tradition. In general, there were two ways in which

[4] Bresslau, *Urkundenlehre*, pp. 533 ff.

a document could be challenged among the Franks of both sections: by simple affirmation contesting it, or by oath. In contesting a document, no distinction was made between its form and its matter. Inquiry was not directed to whether it was of spurious authorship or whether it contained interpolations: It was flatly protested as "false," and in the earlier provisions of these codes, if the producer chose to defend his document, in case of challenge by oath, both sides confronted each other with an equal or variable number of confederates willing to take oath with them, and unless at some stage one party or the other yielded, the case was decided by a combat of arms. The "solemn challenge" was initiated by the picturesque gesture of the contestant, who signalized his intention by perforating the document with a bodkin.

In this diplomatic of semi-barbaric heroics begins the documentary valuation of the Middle Ages, and in its main features we see tribal, feudal or communal groups, either in person or through their armed champions facing each other, shouting (*adclamantes* was the legal term) their denunciation or defence, and at first with no thought of submitting the document to independent examination, resorting to the test of physical courage, prowess, or superior force. The very scribe who wrote the document could be involved in the clash of arms by Ripuarian law. In the Salic law the challenger must muster an army of 49 oath-assistants, which made successful "solemn" contest more difficult, unless the contestant be a lord with numerous vassals or henchmen. In any case it is the strong man with a retinue whom at this stage the law regards as the guarantor of evidential truth; and we shall not be suprised to see evidences of this point of view occasionally among the historians, as for instance, when Paul the Deacon (720c-799c) tells a legend of Arnulf, ancestor of the Frankish Kings, and confidently cites as the voucher for the story "no mean person, but the illustrious king Charles [the Great]."[5] Here too, we have a suggestion of the social background needed for a better understanding of the instances which Ellinger cites, with evident relish, of mediaeval disregard for objective fact and

[5] Lasch, p. 59. On the Frankish codes and early Lombard use of documents, and the decline in German legal recognition of documents, Bresslau, *Urkundenlehre*, ch. 9, pp. 476 ff.

partisan praise of lies and acts of treachery, in his curious work. This study might be paralleled for modern times if a serious and elaborate attempt were made to give evidence of the masses of biased and partisan misinformation, the wilful slanders circulated, the deceits practiced and afterwards praised as "indefatigable industry" in connection with our business, political and journalistic life; and if in collecting and presenting these evidences no suggestion were made of the powerful group-motives that predispose men in modern life to pervert truth, but instead, the author should account for his facts on the supposition that modern education systematically inculcated the maxim that "the end justifies the means." Bresslau, who allows himself to repeat Ellinger's unfounded inference [6] has by his laborious and acute researches, with the help of his immediate predecessors in diplomatic given us plenty of evidence to stultify the force of such a conclusion. Once more, in the picture of the commandeered "oath-helpers" we can divine one of the crying reasons why at a much later period the Third Order of St. Francis so strictly limited members in the matter of bearing arms, and that of taking oath.

But even as early, probably, as the Merovingian period a royal law had been incorporated into the Ripuarian code which modified its barbaric character and gave the document better standing as evidence, by recognizing official notarial certification of documents and by introducing the test of script-comparison as a privilege of the producer of a contested document, whereby the trial by combat could be avoided. A capitulary of Charlemagne or Louis the Pious similarly gave proof-value to gift-charters and letters of emancipation, by comparison of notarial signatures. Thus, long before the end of the Carolingian Renaissance we see reflected in documentary law the influences that contested the rule of the strongest with the appeal to recorded evidence. And we need not wonder at finding notable reflections of this in the intellectual life of the period. Before we go on to the decline of legal documentary valuation in Germany and the attempts which eventuated in its recovery, it may be of help to observe some facts in connection with these earlier cultural interests.

First, it is quite germane to any consideration of the antece-

[6] *Urkundenlehre*, p. 11; Ellinger, pp. 79 ff.

dents of the modern comparative method, to bear in mind that the *book,* as a mechanical aid to study, with its collated leaves bound together at the edges and protected during assiduous use by a stiff cover, is a distinctive heritage of the Middle Ages, dating from the fifth century.[7] The antique book was a scroll, convenient for continuous reading but clumsy for comparison of passages. In both Jewish and Christian study of Scripture, Rabbinic or Patristic lore, such comparisons were naturally all-important. Add to this, in the increasing enrichment and variations in the parts of the Liturgy and choir offices, especially in the West, the need for expeditious passing from the invariable to the variable parts of the services, and we have, irrespective of the source of the device, ample grounds to explain the displacement of the antique scroll by the collated book, whose older prototype was the diptych. The use of its pages certainly facilitated the habit of making mental comparisons between varieties of ideas and statements.

More directly bearing upon the development of the critical faculty was the fact that mediaeval scholars, at first prevailingly of monastic or ecclesiastical training, were supplied at the outset with standards and criteria of truth and value which made it necessary for them to form judgments. Lasch, in his observations on Jordanes (551c) suggests a fundamental question when he says:[8] "If doubt is the first and most important step in the path of criticism, then Jordanes shows some noteworthy indications of it." Lasch is not very bold in opposing this hypothesis, but he shows some glimmerings of appreciation of an opposed notion of what is basic in criticism when he observes that the controversies with heretics and the struggles between the temporal and spiritual powers developed a dialectical method of reasoning which had at least the indirect effect of sharpening the critical sense.[9] He even goes further when he notes how belief in Christian dogma and revelation assisted Jordanes and Paul the Deacon (750c) to apply rational and common-sense criticism to the sagas and legends which more directly conflicted with Christian belief.[10] What he does not

[7] S. T. Prideaux, *Historical Sketch of Bookbinding,* London 1893; See C. J. Davenport, *History of the Book,* New York 1908, summarized in *Encyc. Brit.,* 11th ed., IV, 216 ff.

[8] P. 12.

[9] *Ibid.,* pp. 89, 90.

[10] *Ibid.,* p. 16.

so clearly recognize is, that Christian dogmatic criteria did not merely liberate these historians to apply common-sense judgments where Christian revelation was not involved, but that Christian dogma included belief in Providence as a Divine control of the ordinary and natural course of events, and that therefore the instinct for natural probability was positively vindicated and supported by dogma. The function of doubt, then, with these clerical historians was quite other than the "first and most important step in criticism." It was a step *consequent* upon the acceptance of fixed principles and coherent beliefs, which formed the starting-point of inquiry and questionings which were susceptible of steady advance in solving difficulties. How the progress of mediaeval criticism vindicates this, we shall see as we approach the twelfth century. Meanwhile in the Merovingian and Carolingian periods we have St. Gregory of Tours, with his careful review of sources and their variations on the ducal title of the Frankish kings, and his attempt to harmonize them; the distinction Jordanes makes between historical and poetic narrative, which gives him a historiographical alignment somewhat parallel to the part played by Herodotus in the emergence of historiography from poetic legend in antiquity; and in the later Carolingian period, in 860, some researches by Hincmar, Bishop of Rheims into codices of St. Augustine, following internal scrutiny of passages and context, which impressed Gieseler [11] as affording "favorable proof of the scholarly culture of the time." Hincmar's researches played a part in his controversy over predestination with Gottschalk and over the expression *"trina Deitas"* with Ratramn. In the former instance he investigated the genuineness of the *Hypognosticon* (Libri IV), attributed to St. Augustine. He sought in this connection references to the work in early authors, and replied to the objection that it was not in the list of Possidonius by quoting the latter on the "numberless" works of the Doctor. In the controversy with Ratramn he noted that a passage cited from St. Augustine by his opponent lacked consonance with orthodox tradition, and found it contradictory to statements made in the context, both preceding and following it; he then collected a number of codices of the work,

[11] *Kirchengeschichte*, I, 2, p. 117.

observed that the passage was in codices of recent date but absent from the older ones, and concluded that the passage was spurious.

An instance of mediaeval duplicity cited by Ellinger [12] supplies a rather vivid, perhaps an extreme illustration of the mutual distrust which could exist between the feudal knights on the one hand, and on the other, the feeble cities placed by the Emperor under ecclesiastical rule, in the tenth century. The devious paths traced by Bishop Notker of Liège in circumventing the modest aims of neighboring knights to occupy castles in a commanding position within the city, and the unholy glee with which one of the chroniclers recounts the incidents, praising the "industry of the Bishop," can be equalled only by the complacent horror with which the nineteenth-century scholar contemplates such guile, from the vantage-point of modern honesty and fair-dealing. The mediaevals, as he observes, were prone to praise and euphemize deceit and treachery when committed in a cause they approved, and to condemn it severely when practiced in a hostile case. But this was not, as Ellinger intimates,[13] and even seems to assert, because of some supposed inherent antipathy to truth in the moral doctrines accepted by the mediaevals. The conditions under which mediaeval life struggled out of barbarism and the decadence of the older paganism,—a struggle against violent impulse and crafty instincts —are sufficient to account for phenomena which however multiplied and intensified at some times more than others, are confined to no one period of history. The combined evidences contained in the works before us indicate, though the authors fail to recognize it fully, that as soon as more stability and intercommunication relieved the earlier strife, isolation and mutual distrust decreased and as interchanges and contacts multiplied, the demand for truthful and disinterested statement was prompt, and became ever more insistent.

National complacence during the backward racial reaction in Germany against legal documents was possible because of the con-

[12] *Op. cit.*, pp. 18 ff.

[13] *Ibid.*, pp. 79 ff; 94 ff; on modern superiority in truthfulness, 77 ff; quotations from St. Anselm of Canterbury on the insufficiency of correspondence between words and facts, which Ellinger supposes to be an instance of demoralizing effect of dialectic upon the habit of honesty, *Ibid.*, p. 89.

structive achievements under the wise leadership of the first German kings, Henry the Fowler and Conrad. It represented perhaps less a recrudescence of barbaric conditions, than a self-confident settling back upon old custom and tradition, a contempt for the complicated artifices of the Romance culture, a willingness to trust strong men and let their word vouch for justice. The German word *Urkunde* itself in its Old High form, *urchundo,* meant living, not written testimony [14] and to the thirteenth century, in certain modifications, the word was associated with certain kinds of tax-notices or tax-receipts in the lower Rhine and Westphalia. The word *"Brief"* was more frequently associated with documents until the fourteenth century. The later use of the word *Urkunde* in the present sense marks the universal recognition of evidence-value in documents. But open distrust of documentary evidence from the ninth to the twelfth century found frequent expression. In 1063, a bailiff of Prüm, in a contest with the abbot, said: "Anyone's pen can scribble what he pleases. I don't propose to lose my right on that account." "I have no intention of swallowing your *Briefe"* said another litigant at a later date. "You have good enough scribes, who can write to suit your purposes." In the tenth century even the Kaiser, who together with the ecclesiastics represented the undiminished Latin-Germanic legal tradition in their own chanceries, felt the pressure of the general trend for ordinary legal transactions, and Otto I issued a decree in 967 which revoked the right of the presenter of a private document to prove genuineness by script-comparison, and left the ultimate decision to combat. A law of Wido similarly weakened the script-comparison provision of the law of Louis the Pious, and compelled the corroborating notary in a case of contest to support himself by eleven oath-helpers. By the end of the tenth century script-comparison has so generally ceased to have force in Germanic law that it was regarded as a peculiarity of Roman law, and in Rome itself, the Abbot of SS. Cosmas and Damian in 999 could claim the privileges of Germanic law and refuse to submit his document to script-comparison "as Roman law prescribes."

Such a situation would naturally become sooner or later intoler-

[14] Bresslau, *Urkundenlehre,* ch. 1, Trans. of Ansegius, 4, 18, origin about 900.

able to German ecclesiastics and religious houses where property-titles might at any time be contested in courts which paid no attention to the document itself, but decided the matter according to the array of oath-helpers. Cases of combat, indeed, seem to have been comparatively rare, yet the clergy, in contact with their brethren in Italy, could not fail to feel the disadvantage of being dependent so largely on the good-will of feudal champions for security in their possessions. Hence largely under the lead of the clergy, various means were attempted to restore the prestige of documentary evidence in German law. Before telling of the attempts that eventuated in the reinstatement of the legal document in Germany, a reference to one of the historians who reflected the cultural aspect of documentary decline and valuation of racial and local tradition, will be pertinent—Ekkehard, the fourth of the best-known scholars of that name in the religious house of St. Gall.

Ekkehard (IV) of St. Gall (980-1060c) might be called the Jacob Grimm of mediaeval scholarship, except that unlike Grimm, he cared little about original written sources. He refers to the records in the archives of St. Gall, but seems to infer that it was from disinclination to inconvenience an aged librarian, that he left the contents untouched. His long life brought him in 1034 into uncomfortable contact with the new Cluniac discipline under the new Abbot, Norbert of Stavelot. Ekkehard in his *Casus S. Galli,* consoled himself and his older contemporaries with a compilation of anecdotes and traditions from the "good old times," which has become one of the most valuable sources for study of mediaeval common life, folk-lore, manners and customs. His severe criticism of three biographies of St. Ulrich of Augsburg, which he rejected because they omitted so much that had been "sung and chanted by the common folk" about the saint, "since some of the humblest concernments constitute the greatness of the man," shows how far he deviated from the general standards recognized by most of the early mediaeval historians, from Jordanes, St. Gregory of Tours and Paul the Deacon to Widukind (967) and Ditmar (1010c), the two Saxon historians. These, while incorporating much folk-lore and gossip, and often without question, tended in general to distinguish between oral rumor, song, legend and poetry on the one hand and written historical material on the other, and gave a higher value to the latter. Written material, whether Chris-

tian or antique (provided the latter did not conflict with Faith) was, together with pious legend, treated with diffident respect, though contradictions in testimony were often commented on, attempts made to reconcile them, and even tentative or bolder distinctions made between more and less reliable sources. Ekkehard (IV) stands out as the special champion of oral tradition, the songs, the tales, and the homely interests of the people somewhat as in the thirteenth century and afterwards the Franciscan tradition came to do, though Ekkehard's inspiration may have been somewhat less religious and more racial and local. In Widukind and Ditmar also there is a strong national flavor, Widukind being almost ignorant of all that had happened outside Saxony; yet their relations with the Imperial Court modified their provincialism in other ways, and Ditmar especially conveys much knowledge of the Slavic and Magyar nations with which the Empire had to deal.[15]

Our sketch of mediaeval valuation and criticism of documents continues in the next two chapters with some account of the recovery and legal reinstatement of documentary evidence in Germany down to the recognition of documentary evidence independently of living witnesses in the *Schwabenspiegel,* which marked the winning of the juristic battle for documents in Germany; noting the reflection or concomitant development of this recovery in the sphere of scholarship, especially in St. Adalbert, second apostle-martyr of the Prussians; Heriger of Lobbes; Ekkehard of Aura; Othlo of St. Emmeram; Adam von Bremen; and finally Otto von Freising, with a glance at later mediaeval lay historians, or other productions in which aspiration for critical objectivity was expressed. Thus we shall have some background on which to estimate comparatively the progress of documentary valuation as represented in the Renaissance by Petrarch and Valla, in the Reformation polemics by Aventinus, von Hütten and Flacius, in the counter-Reformation by Baronius, and in the period of neo-Classicism by Papebroch and Mabillon.

Among the general observations suggested by material considered

[15] On Ekkehard (IV) of St. Gall, Lasch, pp. 60 ff; Wattenbach, *Deutschlands Geschichtsquellen* (7th ed. revised by Dümmler), Stuttgart and Berlin, 1904; I, p. 443; J. P. Kirsch in *Cath. Encyc.*, V, p. 370. On the other earlier historians also Lasch, pp. 5-13, 17-19; Wattenbach on Widukind and Thietmar (Ditmar).

in this chapter we may note that mediaeval German culture as we first find it most characteristically in the courts of the Frankish kings from the sixth century to the end of the Carolingian dynasties, represents a fully developed fusion of Latin and Germanic elements, each distinctly manifest in its features; as might be expected, farther west, where the Salic legal code predominated, the Latin tradition was more dominant, while the Rhenish laws showed the influence of the *Volksrecht*. Frankish civilization was most generally assumed by writers of the period to be a continuation of the institutions and traditions of Roman antiquity, yet not so exclusively but that Frechulf of Lisieux, the friend of Rhabanus Maurus of Fulda, and Notker Balbulus of St. Gall after him, could treat the Carolingian Empire as the beginning of a new era.[16] These exceptions to the general view taken by the earlier mediaeval writers of the Empire, do not affect the fact that mediaeval scholarship received from the Latin Fathers and continued to preserve and transmit in their writings a certain traditional manner of regarding the cultural heritage of antiquity, characterized by imperfect knowledge of its content and spirit, but a genuine veneration. The imperfection of the knowledge was accidental rather than inherent in the mediaeval outlook; due in part to the complication of racial factors, partly to the long period of cultural decadence across which the mediaeval world was obliged to make its retrospect of antiquity; and also to the undeniable fact that sympathetic understanding of the pagan world on its nobler side could not from the nature of the case continue uninterruptedly among Christians while their whole view of life was being so completely revolutionized by the new Faith and during the struggle it necessitated with the old order of things. But Christian faith—to be more specific, Catholic dogma, by its logical implications was not long in restoring with a new cogency and a new discrimination, that valuation of antique heritage which had been temporarily obscured. The Catholic Faith, being not only cosmic and universal in its outlook, but historic in its impact with the whole

[16] Hermann Fischer, "The Belief in the Continuity of the Roman Empire among the Franks of the Fifth and Sixth Centuries," in *Cath. Hist. Rev.*, New Series, v. IV (1924), pp. 536 ff; Nicholaus Reitter, *Der Glaube an die Fortdauer des römischen Reiches im Abendlande*, Münster, 1900. On Frechulf and Notker, Wattenbach, I, pp. 239, 240.

course of human events, compelled its apologists to distinguish between the evil and the more wholesome aspects of pagan life. From St. Paul to Justin Martyr, from Tertullian to St. Jerome and St. Augustine, the defence of the Church was built around those points of contact where Christian faith and ethics met the nobler moral consciousness of the Romans and the sublimer intellectual divinations of the Greek mind. With this moral and intellectual appreciation went necessarily a cultural and an institutional valuation. What is of special importance to our study is, that this valuation was essentially *historical* in its perspective, and of necessity discriminative and hence *critical.*

The mediaevals, occupied with the task of re-creating society on a Christian basis, had only those fragments of antique heritage out of which to build it, and the example, the influence and the teaching of the Latin Fathers taught them how to respect that which they preserved, however imperfectly they understood much of it. Better understanding of the secular life of antiquity came as mediaeval civilization developed its own experiences in accordance with its own special genius and law of development; and with that knowledge came a sympathy fraught with all the perils foreseen by the sterner and more vigilant of the Latin Fathers, such as Gregory the Great. But even the sterner teachers, though they emphasized the vanity of earthly culture and achievement, in and by itself, scorned no gift of fallen human nature which could be used for supernatural ends. The contempt of the world was a relative not an absolute depreciation; the temporal was despised only as it rivalled the Eternal, not when it could subserve the Eternal.

And in this critical revaluation of the life of antiquity, have we not the key to the whole history of mediaeval civilization? Was it not in essence a series of efforts, sometimes grandiose, but often heroic, to readapt the most widely different of antique institutions and traditions, to which the faith of the Church gave a new life and durability—the racial traditions of the northern tribes with those of the Mediterranean; the name of the Empire, consecrated as it were in the census at Bethlehem, and even by the awful judicial position of Pilate; the traditions of national monarchy and tribal chieftainship, the patricians and the consuls of the republic, the tribunes of the plebeians, the *equites,* the *collegia,*—the civic *res publica?*

And just as the Frankish mayors and paladins, with the help of the Church, were welding together such of these fragments of tradition as they could use and harmonize, so the monastic scholars were seeking to rationalize and systematize such sources as they had and connect them with more recent developments. Criticism in such a task was not a tentative and inceptive by-product of pious meditation, it was a basic necessity arising from the pressure of dogmas upon facts, as well as a result of slow but progressive clarification of fact through fidelity to dogma. Thought was sometimes discouraged by the arduous difficulties of such a task, but that it was also compelled and stimulated, we have ample proof. For the preserved heritages and fragments of old tradition were not dead and ossified customs like those which a speculation-weary sage like Confucius sought to perpetuate in endless routine; they became, fostered by the tempered warmth of the Church's watchful leniency, living and active forces which increasingly came into conflict and clamored for the adjudication of their claims and relative values.

The history of the decline and the revival of documentary interests in the Germany of the middle ages simply makes nonsense when attempts are made to read into it the current modern alignments of a struggle between "conservative" and "progressive" minds, with the conservatives standing pat on old traditions and institutions while the progressives, on the assumption, seek to clear away traditions and to remodel institutions to serve newly organized interests. The law of mediaeval progress was a law of repeated readjustments, not a law of competition and elimination, wherein Saturn is forever seeking to devour his offspring, and Jupiter escapes and dethrones his father. The mediaeval issue, as we see it here, is between a conservatism of habit and custom, and a conservatism of logic, method, principle and system. The time was to come much later when the advantage of system became a weapon in the hands of the more powerful secular monarchs to put an end to the development of this law of progress, to banish logic and principle and to fashion new methods to meet new ends, and to further a new type of progress. But that time was still centuries distant.

CHAPTER TWO

Decline and Recovery of Documentary Interests in Germany 870 — 1275

The space we are giving in these chapters to the history of mediaeval source-criticism, legal and historiographical, will not be wasted if it helps to correct the too prevalent notion that the history of scholarship properly begins with the era of humanism. In his history of German historiography, F. X. von Wegele[1] gave one chapter of his volume to a review of mediaeval historiography, and that as a mere preliminary introduction to four chapters on humanistic and Reformation work, which he distinguishes from the other by the designation "learned." The conception of scholarship which is here assumed contemplated something more than that combination of aptitudes and opportunities which made possible the first unhesitating exposures of the more important mediaeval forgeries. Those savants of the future who shall mercilessly expose to an astonished world the frauds of our enlightened age, will not thereby prove the scholars of our time to be unworthy of the name, nor will they thereby show that they themselves have advanced immeasurably beyond us in critical discernment.

We are here concerned with the effect of fundamental faith upon the critical faculties, and we shall, we hope, in later chapters, attempt to illustrate the effect upon judgment in historical matters of fundamental doubt. One thing that Kant taught the modern world was that philosophy properly begins with epistemology, with an inquiry into the grounds and limitations of our knowledge. This inquiry he called "criticism." Mediaeval philosophy was never concerned with any question more earnestly than with this, though they called it neither "epistemology" nor "criticism." It would seem as if, at a time when historians are asking themselves and are being asked whether historiography as we know it can be in any sense scientific, historical criticism may be forced

[1] Munich and Leipzig, 1885.

to develop an epistomology for itself. A study such as that undertaken by Berthold Lasch confronts the student at once with the fact that the mediaeval historians were furnished at the outset with a certain standpoint, certain standards which enabled them to give a definite valuation to their sources, and which aided them in forming certain judgments upon the whole course of human events which cannot be summarily dismissed as wholly unhistorical in character. In their case at least, the first and most important step in criticism was the possession and the application of criteria.

These criteria, it is needless to say, were furnished them by the dogmas and the institutions of a revealed and authoritative religion. The Catholic Church towered before them and around them as a solid, invariable and objective fact, and her doctrines presented a coherent system which, while imposing certain limitations upon speculation, left open such a wide field for inquiry and discovery that these very limitations supplied an intensive stimulus to thought. The dogmas of the Church all marked termini of the keenest discussion and controversy, and each dogmatic decision was basically determined by consistency with the whole content of Christian revelation conveyed in Scripture and Tradition. The earlier controversies of the Conciliar period, though concerned with the central historical fact of the Incarnation, had been generally less historical than metaphysical in their interests; but doctrinal discussions in the West, even before the Pelagian controversy, had shifted to questions which more or less suggested a historical perspective of the whole course of human affairs, since they involved views of the moral status of human nature in its fallen state, in relation to the different periods of Divine dispensations of Providence and Grace. What concerns us in the Gnostic, the Montanist, the Donatist, the Priscillian and the Pelagian heresies is their different attacks upon what we might now call the historical continuity of relationship between the older Gentile civilizations and the Christian religion, or between the old and the new dispensations of Divine Law. All of these heresies denied in some way the objective and historical character of the Church, and some of them denied the sanctions of secular institutional life. In this struggle, St. Augustine had been the Athanasius of the West, and aside from his victory over Pelagius, which

has some significant bearing on historical questions, his book the *De Civitate Dei* had embodied some important and far-reaching principles in Christian criticism of antique culture and institutions. Troeltsch and Gierke in Germany, the Carlyle brothers and Figgis in England, not to mention von Hertling, H. Reuter, B. Seidel, Kattenbusch, H. Schmidt, and others have dealt exhaustively with the political influence of St. Augustine's great work, and its importance for historiography has been stressed by Bernheim, Moritz Ritter, J. T. Shotwell, Benedetto Croce and even by Fueter and James Harvey Robinson, from widely different viewpoints. The tendency to emphasize the antique elements of thought which St. Augustine fused with his Christian philosophy is illuminating so far as it goes, but in many instances there is a failure sometimes a refusal to recognize the extent to which that incorporation of pre-Christian ideas and appreciation of pre-Christian institutions and culture, represents the exercise of a really critical judgment. If St. Augustine deals more gently with neo-Platonism than with other pagan thought, if through his reading of Cicero he found and adapted some Stoic ideas, he was always subjecting these ideas to the tests of a standard he accepted, and the better we understand what that standard was, the more clearly we shall see how it enabled and even impelled him to form independent judgments. For example, even while St. Augustine gives pages of ponderous ridicule to the minutiae of pagan household religion, and while he traces in the career of ancient Rome the violence and the corruption that attended her conquests, he is also confronted with the evidence of the pagan civic virtues, and reserves the right of Christians to accord to them a certain admiration. The supremacy of ancient Rome, he insists, was not merely due to sheer brutal force, but to a certain moral superiority in the pagan world. At the root both of the force and of the virtue he finds the natural motive-power of civic ambition, and to this he gives a certain value—not as sufficient to meet in any sense the moral requirements of the Divine Law, not even as having in it inherent power of development into higher forms of virtue—but nevertheless a very real value as supplying the natural conditions for settled and ordered community life. He denies to the Roman pagan state the attribute of justice, for as he defines

justice, it must include recognition of the true God. But he just as emphatically concedes to the pagan state the essence of a true public and social bond. In coming to this conclusion, St Augustine does not hesitate to controvert Cicero's definition of the *res publica*[2] and to deny that justice is of the essence of the communal bond of the State, much to the scandal of the Reverend A. J. Carlyle who cannot believe that a Christian minister could intend to convey such an idea.[3] Yet St. Augustine's criticism of Cicero's definition, and the discrimination he shows in distinguishing between justice and the natural virtues, and between the baser and the nobler potentialities of Pagan society, are of the greatest significance as showing how theological and ethical considerations could combine with historical observation in a conclusion which was an important part of the heritage of mediaeval scholarship from the very beginning. Here we find at least one of the most potent influences in forming the mediaeval attitude toward antiquity, which explains how and why they combined reverence for the past achievements of the "natural man" at his best, with obedience to the authority of the Church. The first effect of Christian standards upon the devout survey of pagan life and achievements had been such as to impede a full sympathetic understanding of that life. Gracious modes of interchange between pagans and Christians such as are reflected in Minucius Felix were perhaps rather the exception than the rule, whether during the persecutions, or during the Church's triumph. Even St. Jerome's misgivings over his love for Cicero show how sharply the antithesis between earthly culture and the Divine call could be felt. St. Augustine himself reflects much harshness and contempt toward much of what in antique life Catholics today are foremost in interpreting sympathetically. It was the subtle distinctions of Christian dogma itself that forbade the total condemnation and dismissal of antique institutions and culture, and preserved memory of the examples of natural nobility in Plutarch's lives, of beauty and noble pathos in Virgil, of dignity and the lively play of cultivated reflection as in Cicero or in the Roman

[2] *De civitate Dei*, lib. XV, cc. xxi, xxiv, xxv.

[3] "St. Augustine," in Hearnshaw's symposium, *Some Great Mediaeval Thinkers*, New York, 1923.

historians. There was nothing in the faith of Islam that could restrain Ghazali (1058-1111) from that devastating onslaught which he made upon all earthly inquiry and learning and which resulted in the withering of the culture of Bagdad.[4] But even in the sombre doctrine of original sin, which St. Augustine had been defending against the Pelagian idea of the undiminished powers of human nature, there was reserved a recognition of the remnants of man's earthly dignity and capacity which forbade the most rigid ascetic from treating nature as totally corrupt.

St. Augustine had not, it would seem, formulated this reservation distinctly in theological terms, though he had implied it in his treatment of Roman history. Hence when the orthodox opponents of Gottschalk, of Ratramn and later of Berengar in the Middle Ages searched the African Doctor for explicit support, only the most diligent and careful scrutiny on the part of orthodox disputants could adduce proof that no real support could be found in Augustinian theology for the notion of "total corruption." Hincmar and St. Anselm of Canterbury must deal with the errors of their age, as St. Augustine had dealt in his age, and must satisfy themselves that they were in harmony with the tradition that had given full recognition to the cardinal virtues and admiration for the natural capacities of human nature, without obscuring the desperate need of man for Divine grace and for an over-ruling Providence.

The Augustinian perspective of history which the mediaeval historians inherited, then, taught the mediaevals to preserve and respect antique cultural and moral traditions. In itself this perspective afforded a universal concept of mankind as involved in a common catastrophe, the Fall, and as contemplated in a plan of Redemption. Human history was divided into successive epochs over-ruled by Divine Providence in the disposing of world-empires and spiritual dispensations, each related to the other. The earthly city and the City of God were at war with each other, yet there were hopeful points of contact between them which made life at least humanly tolerable for the heavenly citizens, while the citizens

[4] See F. Picavet, "Le Moyen Age, characteristique théologique et philosophico-scientifique" etc. in *Académie des Sciences morales et politiques*, Paris, 1901.

of the earthly order by the contact, and by the practice of natural virtue, might at least gain some predisposition for entering the heavenly City. Furthermore, underlying the Patristic and mediaeval historiography were two ideas which were later utilized in quite different connections and in a different spirit: the idea of Progress, and the idea of the whole of human life as pervaded and controlled by law and purpose.

As applied to the cultural and legal conditions and developments in the Middle Ages which we are here considering, these two ideas of Law and of Progress were conceived, not as generalizations which regarded change as an inevitable and perpetual necessity so far as Progress was concerned, nor as concerns Law, was this regarded as an imminent and automatic operation of necessity inherent in the very constitution of things, an operation which admitted of no exception or variation. Law was conceived of, so far as human life was concerned, as an all-comprehending plan or purpose of the Creator, of which clear indications had been given, both in revelation and the moral constitution of human nature; but since that law was conceived as a rational order addressed in imperative though avoidable fashion to intelligence and to the moral nature of man, and since human life was conceived as in a state consequent upon the defiance and the evasion of Divine Law, the conception of Progress was determined by the idea of a return to obedience made possible by the dispensation of Grace; nothing therefore could be regarded as really progressive in this sense unless it was consonant with such a return to obedience. Fidelity to the Church and her doctrine and precepts was the basic condition and starting-point of such obedience and such progress, so conceived. The theory, then, upon which the Church actively cooperated in the building up of secular culture and political and legal and social order, was that though the "natural man" was absolutely dependent upon supernatural aid for progress toward a complete obedience, yet the development of the better potentialities of human nature in the creation of system and order and the recognition of natural rights as well as of duties, was an important auxiliary to creating favorable conditions for that spiritual progress. If St. Augustine could recognize in the Pagan state the character of a real *res publica,* a community interest which Christians were bound to share and to respect, all the more hopefully mediaeval Christians could

regard the Christian state, and Christian cultural and other secular interests. The "Law of Nations" and the "Law of Nature" was a conception in which a hopeful reinterpretation of the temporal aspects of social relationships was made from antique law. But the hopefulness was a strictly conditional hopefulness, not a prospect of inevitable and irresistible betterment. All hope of progress was withdrawn from any secular development which ignored or defied the spiritual aim and the supernatural basis of a Christian society, and when such a concept of independent secular development organized itself in Provence toward the thirteenth century, it invited a war of extermination, because it attacked and defied the basic law of mediaeval secular progress.[5]

We are here concerned, not with necessary implications drawn from Catholic doctrine and polity, but with a certain set of social and cultural theories which were under certain historical conditions inferred from it, and which became the basis and the condition of all mediaeval secular growth. Those theories were susceptible of modification and correction with further advance of development; but the attacks that became ever more frequent upon the Catholic faith and the whole mediaeval social structure after the thirteenth century, very evidently had the effect of arresting in some degree the progress of that critical survey of secular and cultural history which had begun in St. Augustine's *City of God,* and which logically admitted, to some extent, of quite other and further developments and applications than those made by mediaeval thought.

In this chapter we shall observe how the temporary isolation of Germany through a conservatism of custom and of racial instinct, and by the drawing apart of the Romance and the Germanic sections of Europe, was corrected and overcome, through growth of economic interests and intercommunication, mainly by the agency of a movement of method, system and principle, which was just as conservative and yet made for science and efficiency. It is characteristic of the manner of mediaeval developments that Germany could not long entrench herself in an exclusive nationalism; yet it is just as characteristic that once this tendency was corrected, and the eccentric distrust of Germans toward documents was overcome, the use of charters and documents took distinctively

[5] Hoffmann Nickerson, *The Inquisition,* Boston and New York, 1925.

national forms. Here we are not to suppose that the period of ascendancy of the *Volksrecht* between the ninth and the eleventh centuries in Germany was a virtual relapse into barbarism or still less, into paganism. Nor was it comparable to the more or less artificial and doctrinaire racial nationalisms of our own time, familiar to us in the Nordic Cult or in the new Italian Risorgimento. A quite natural falling back upon Germanic traditions was quite as consistent with the Patristic and mediaeval criticism of traditions as was the revaluation of Greco-Roman heritage. It should not be forgotten that the Germanic tribes had in common with other northern peoples a form of civilization much less fully developed than that in the Mediterranean centers, yet with distinctive features of its own. It was essentially illiterate, but in its social scheme was articulate and law-recognizing, though the law was traditional and customary. But this reaction in the tenth century toward past habit could not long remain uncorrected so long as ruder peoples pressed upon the northern and eastern borders, and so long as the common bond of spiritual allegiance in western Europe afforded the advantage of that combination of cultures which had been characteristic of mediaeval civilization from the beginning.

One device which won legal recognition for documents in some localities and sections, and whose legal use continued long past the mediaeval period, was the indenture, known in Germany as the *Theilzettel* or *Kerbzettel* and several other designations. The antecedents of this are traced by Bresslau to the use of notched sticks as tokens of agreements in Germany and Scandinavia. Duplicate tickets or certificates torn or broken apart so as to prove authenticity seem also to have been used in some connections in Roman antiquity, and later were issued to pilgrims as a species of passport in some places in Italy. But the duplicate or triplicate document, written on the same parchment with intervening spaces, and then cut apart in straight waving or serrated lines across a word written in large (usually the word *chirographum*) seems to have originated in Anglo-Saxon England, and was introduced into the Trier archdiocese as early as 967. In France and in north-Germany this form of document gained limited legal currency, in north-Germany the recognition being local and sectional, and limited to certain kinds of transaction, and in the twelfth and thir-

teenth centuries the seal more often aids in the certification. The Lübeck city archives contain hundreds of fourteenth century indentures, executed before two councillors. But where the seal was used, it tended to displace the indenture as the surer means of authentication, and though the latter persisted in use in some places down to modern times, the use never became general, and even then was not often relied upon as sufficient proof of genuineness without other certification.

Another expedient which attests the growing need for legal documentary recognition in Germany, was the admission as legal evidence for transactions, of memoranda made by city clerks in Cologne, Deutz, Calcar and Cleve, in Mainz and Frankfurt-on-the-Main, as well as in Ghent, Bruges, Ypres and elsewhere in the Netherlands and in Flanders. These *notitia* were made on separate pages and kept in the community chest, and hence were known as *Schreinskarten*. In this local use, which in Cologne is first noticeable in the second quarter of the twelfth century, there was steady progress toward the recognition of the *notitia* as independent evidence. At first the memoranda require during a process the attestation of the living scribe who wrote them but in the thirteenth century the fact of the entry becomes sufficient proof of the truth of the matter entered, and oral testimony of the writer is sometimes added in corroboration, but eventually is rejected as superfluous. This use and legal procedure extended to other commercial cities, such as Hamburg, where it has continued to modern times.

These expedients met the situation only locally and partially. The need for current and universal establishment of independent documentary reliability from a legal standpoint, was met by the conflux of two developments: one was the extension of the use of seals, and a growing confidence in them as sufficient means of certification. But confidence in seals could not in itself readily supply expert and professional scrutiny of them, especially since the decline in German documentary valuation had unfavorably affected the whole status of notarial and cancellarian functions in Germany. It was here that a development in Italy, vitally connected with the growth of scientific study of Roman law at Bologna begun at the end of the twelfth century, but more or less continuous with studies that had been maintained ever since the age of Jus-

tinian at Ravenna and Rome, reenforced the growing use of sealed documents and supplied the technique for their legal scrutiny: this development was the rise of the notarial profession, trained in schools which combined the *ars dictaminis,* or the rhetoric of legal, business and other correspondence; with the *ars notarii,* which increasingly concerned itself with perfecting forms and varieties of document-production, and skill in their scrutiny. In this cooperation of two developments—namely of the extension of the use of seals from Germany and the notarial art from Italy—the Germans were not wholly the debtors. A blighting influence on documentary valuation had long been felt in Italy, especially where Lombard traditions prevailed, though Bresslau does not accept Ficker's view that this condition was aggravated by the introduction of the reactionary law of Otto I into the Romagna,[6] and he minimizes in general the positive influence of the German document-situation upon Italy. But there is no dispute about the fact that Italian court procedure for a time withheld from documents recognition of independent proof-value, in spite of the fact that in Italy notarial certification had been continuous from antiquity; and it is a fact that one of the direct impulses Italian documentary law received in the direction of proof-comparison provisions, came from Carolingian Germany through the introduction into Italy of the law of 856, attributed to Ludwig the Pious, which permitted the submitter of the document to prove genuineness by script-comparison even during the lifetime of the notary. Hence if Italian documentation suffered from German influence toward the end of the tenth century, it must not be forgotten that the potent influence of Italian notarial science in remedying the documentary decline in Germany, itself owes some of its earliest reenforcements to the Frankish Latin-Germanic culture. It is also of significance that the later recovery in Germany of legal document-valuation brought with it revival of the double means of authentication of documents that had been characteristic of the Frankish charters as early as the seventh century—the seal and the notarial certification; for although the seal, as we have said, tended to hold a central place in Germanic authentication, notarial certification

[6] *Urkundenlehre,* p. 492, note 2; Ficker, *It. Forsch.* I, 55; 3, 13. (Bresslau).

early gained cognate importance on account of the illiteracy of many of the earliest Frankish potentates, and after this consideration ceased to play a part as culture advanced in the royal courts, the notaries retained their importance in the chanceries until the period of documentary decline. Hence, when the most decisive signs of a prospect of victory for document valuation become manifest after the middle of the twelfth century in a decree of Pope Alexander III (1159-1181), we note that authentic seals and notarial certifications are recognized as of equal value in legal tests of genuineness, and documents having neither the one nor the other are denied proof-value after the death of the witnesses.[7]

The growth of notarial prestige is easily traced in the increasing sententiousness with which notaries state their authentications, and in the expressions which increasingly attribute to notarially certified papers a public character. In 1163 in Arezzo: "scripsi quia et mihi perceptum et omnia in presentia mea facta sunt"; in 1180 in Brescia: "interfui et . . . scripsi ea uti supra legitur audivi et vidi"; similarly with different wording in Modena in 1174 and in Mantua in 1195. The inference is, that an expert gives testimony assuming responsibility for correct legality of all details, as well as for evidence of the act consummated in the document. The term *instrumentum publicum* is used in 1169 in a *Placitum* of Alexander III, as applied to a document drawn up by the notary Enricus. The same term is used of imperial documents under Barbarossa, as in 1185. Henry IV in 1191 nominates notaries with the warrant "instrumenta publica juxta morem eius officii condendi." The earliest mediaeval use of the word "public" in connection with documents is found, Bresslau says, in Lucca in 1107, in which a notary describes his document as an *actum publicum,* and in the same period the word becomes frequent in Lucca and Arezzo. Its use is sporadic in the twelfth century and is customary in the later Middle Ages.[8] The Emperors take care to authorize notaries in their chanceries, and in certain cases begin to use them in preference to sealed documents, or in connection with the seal in others. Ultimately, in the fifteenth century, notarial certification even confirmed the authentication of an Imperial

[7] *Urkundenlehre,* pp. 498, 494.
[8] *Ibid.,* pp. 495 ff.

seal. In 1516 full recognition of notarial authentication was decreed for the whole empire.

How stubbornly *Volksrecht* influence resisted the combined trend of the local legalizations of the evidence of indenture-form and the civic *Schreinskarten,* and the more potent growth of notarial prestige and of the extension of the use of seals,—may be seen in the refusal of the *Sachsenspiegel* (codified about 1225), in spite of the abundant use of private documents in Saxony at the time, to accord to them full proof-value. Long after the memory of the noisy document-proof by combat was forgotten, it was still easy to discredit a document by a process known as the *Forsaken,* in which the contestant could swear that the seal was affixed without his knowledge or consent; though this was modified by the later Goslar Statute, which permitted seal-comparison to decide the matter. But fifty years later or thereabouts, the *Scwabenspiegel* (1257c) though otherwise following its Saxon model so essentially, registers the virtual conquest of the document as independent evidence, in the express maxims: "We say that papers (*Briefe*) are better than witnesses; for if the witnesses die, yet the papers abide always there; these are called *Handfesten,* and in them the dead witness avails as much as the living." [9] In the *Schwabenspiegel* the *Forsaken* loses force if the transaction is sealed by a "powerful personage," (ecclesiastical, noble, or civic) but even if the document is privately sealed, the mere oath of the contestant or his witnesses cannot overthrow it, although naturally the difficulties of proving genuineness in a privately sealed paper, even by seal or script-comparison, was greater than in the case of better-known and frequently used seals and document-forms of "powerful personages"; and in spite of fee-expense, it was the latter forms and seals that were most often employed in private transactions. This generally holds good for the *Blume* of Magdeburg, the *Steiermarkische Landrecht,* the *Rechtsbuch* of Kaiser Ludwig, and other codes, in which the incontestability of authenticated documents in general or with specific limitations is affirmed. The difference in degree of proof-value between the seals and document-forms of "powerful per-

[9] *Urkundenlehre,* pp. 545 ff—*Schwabensp.* Lassberg, 36, 159; Gengler, 34; a decision often repeated in many forms, as in the Vienna *Stadtrechtsbuch,* Art. 100. (Bresslau).

sons" and those of the common burgher, was felt less keenly in purely local transactions than in those which involved wider interests, and marks the growing need of more universally recognized criteria of documentary validity, which requirement even the seals and prestige of "powerful personages" alone could not meet. Hence, together with the extension of the use of seals, we find also an increasing use of notarial documents, and growing legal recognition in Germany of the unsealed notarial document. After Alexander III, whose recognition of both methods of certification we have noted, other Popes of the latter part of the twelfth century studied and set forth with increasing definiteness principles upon which the ever-increasing forgeries of the period might be detected. The two most important of mediaeval forgeries, the Donation of Constantine, and the False Decretals, which originated in the eight or ninth centuries, had not been questioned with challenging conviction by the antagonists of the aims they sought to serve, though as we shall see, Otto von Freising expressed about the Donation misgivings sufficiently strong to warrant our regarding him as a precursor of the criticism of the humanist Laurentius Valla in this respect. But the fact of forgery was clearly recognized as a crying abuse, and the honest desire to cope with it was an underlying motive in the whole development of the notarial science, however we may recognize that this science, like all others, could be perverted to ends of falsification. Certain writings of the successors of Alexander, Lucius III and Urban III, show anxiety over the prevalence of document-falsification and sternness in denouncing it. Celestine III (1191-1198) counseled vigilance against falsification and recommended comparison of seals and even scrutiny of style and phraseology. In this connection the earlier document-critique of Alexander III not only supplies evidence of vigorous internal criticism, but affords a warning example to those modern types of scholars whose conclusions are too confidently based on study of style and diction, in absence of a sufficient knowledge of the times in which the document was produced. Alexander vindicated the genuineness of certain documents by careful seal-comparison, and by notarial certification, but condemned others because they contained neither seal nor notarial attestation, or because the seal varied from that of an incontestable document. He also scrutinized the language, internal evidence and

material of a *privilegium* purporting to be of St. Zacharias in the eighth century, and condemned it first, because being written on papyrus, it was supposed by him to be written not more than a century before; second, because of grammatic errors, and third, because of a provision in the document which the stricter post-Hildebrandine ethic regarded as simoniacal. Such a decision, while clearly unwarrantable from a historical point of view on account of insufficient evidence, was fully warranted as a judicial decision seeking to establish workable principles, under the limited historical knowledge of the time, for the recognition or the denial of the present applicability of documents of a remoter period. Yet if regarded from a historical standpoint, it illustrates illuminatingly how destructive a vigorous criticism can be in its inceptive stages if unchecked by precisely the kind of considerations that, in spite of this decision of Alexander, prevented the destruction of all such papal documents as would be rejected on its presuppositions. The historical errors of a mediaeval Pope can today be detected by a modern scholar precisely because the Popes preserved so many documents which, as jurists, they were not then in a position to utilize. It was just this wise hoarding of heritages in spite of imperfections in the valuation of them—and these imperfections were not so many or great as they have been often assumed to be—that gives us one of the characteristic notes of the culture of the Middle Ages, and explains the law of its distinctive type of progress. It was not blind conservatism; it was as we have seen it in the development of notarial technique, as it had been in the reforms of Cluny, a war against blind conservatism in the interests of recovery and restoration and solid advance. The mediaevals were as capable of scrapping a Norman Church to build a Gothic one, as a modern railroad is ready to wreck one terminal station to build another. But the mediaevals did not scrap their inheritances. They wove them together, with all their mutually antagonistic grains and textures, into new forms. Even the notarial schools and the new legal studies at Bologna interfered with the growth of classical studies at Chartres, and in their turn the mystical devotion of the Carthusians in St. Bernard was confronting the clear subtlety of Abelard's dialectic. Men did not move about in self-sufficient groups that could ignore all others; the shock of impact between group and group was sharp, and men

who differed, paid each other the tribute of recognizing each other's existence and importance. By the time the twelfth century came to an end in the pontificate of Innocent III, the character of the group-conflicts between nobility, local community, and monarch, had fundamentally altered. There was perceptible amelioration of the conditions of desperate isolation, of the profound distrust, the misunderstandings and provincialisms, the racial self-assertions that followed the decline of the Carolingian Empire. There was now the consciousness of a common civilization, made possible by the first crusades, and by the intercommunication that resulted from them. Not that the different social estates had arrived at mutual harmony—far from it: conflict for rights and privileges and immunities was as keen as ever, even intensified by the larger combinations of the groupings, and the temporary alliances formed. But the different estates could confront each other with a better understanding of each other's codes of honor, character and corporate aims. The wars for right and privilege were ostensibly limited in aim. The combatants would have been ashamed to confess to unlimited appetite for power or possession. All recognized that claims of right and privilege could shift with change or circumstance, since the system as a whole was not a closed one. The Church by competing in the field of feudal allegiance with the barons, kept the road of freedom open for serf and villein. By using their opportunities villages had won the privileges of towns, and towns the rights of free cities. Fierce and crafty as the struggles could be at times they were free from the cold contempt of those who look for the decay of their rivals through the silent attrition of obscurity and economic pressure. Foes might be hated, but were not regarded as already doomed to extinction; terms might ultimately be made between antagonists who were likely to survive. Kaiser, king, knight, abbot, bishop, yeoman and guildsman could all accept each other as virtually permanent players on the same stage. Progress was measured, not by the extinction of old rights but by the recognition of new ones, the granting of new privileges, exemptions and emancipations. It is only as we go farther into the age of Marsiglio of Padua, of Philip the Fair and of Wycliffe, that the new idea of concentration of power, of absorption, of impoverishment, subjugation, extinction of opposed power becomes articulate. In the twelfth century society retained

its dramatic mediaeval quality, reflected in the sphere of thought by Abelard's *sic et non,* with its combative assertions of opposed statements, its sharp antithesis of contrasted elements—an inheritance of the Socratic disputes, a prophecy of the crowded stage of Shakespeare. On such a stage, even the devil himself had his advocate, and his argument must be answered; but he must not be permitted to take possession of the stage nor to destroy it; and hence, in Innocent's pontificate, after a season of some rest and expansion, mediaeval society was summoned to a new crusade, this time indeed one of extermination; for in Provence the spirit of denial, permitted his argument together with the Arab and the Jew, had threatened the destruction of the whole drama of mediaeval life.

Such a description of mediaeval life is somewhat more rosy than Otto von Friesing (1114-1158) before the middle of the twelfth century, or than the light in which St. Dominic and St. Francis in the next century regarded it. Yet in spite of the dark side, it is important in the interest of historic truth that we avoid one of the most serious vices of our own modern type of historiography—that of missing the vital potentialities of a past period by considering it too exclusively in the light of subsequent events. We say "in the twelfth century the outlines of the modern State were taking shape"; it may be true, it may be partly illuminating, but in the twelfth century, the last thing anybody intended to do, was to create the modern state; there were then other possibilities; and who shall say that the best of those possibilities were actualized? Whatever might have been Frederick Barbarossa's dreams of the political and legal future, we may be sure that they did not center around pre-visionings of careers like those of Lloyd-George or M. Herriot, or episodes like the attempt to enforce the Eighteenth Amendment; even the achievements of Napoleon might have rather bored and disgusted him. And similarly, we shall better understand how the source-criticism of Adam von Bremen and of Otto von Friesing is related to that of Pertz, Niebuhr and von Ranke, if we banish the fond notion that Otto and Adam in their most lucid moments were longing for a time when somebody might dare to be a Harnack or a Wellhausen. It is in just such connections that our evolutionary perspectives

need badly the enrichment of the scholastic concept of *potency*, which, applied to any given historical situation or period, would suggest many more germinal possibilities than those which were actually developed. And the twelfth century situation was preeminently a situation big with potencies. Though the holy places in Palestine were not securely possessed, the Turk had been definitely checked, and the west could breathe freely. Cities were busy with their guild industry, trade was thriving, Gothic spires since 1150 had been going up over Europe, (to quote an inimitable simile) "like a flight of arrows."[10] Cities were advancing in recovery of historical consciousness of antique civic ideals, not only in Italy, where Barbarossa had failed to recover Imperial privileges that had lapsed, but in Germany under Imperial guarantees of freedom and immunity, and fostered by the prince-Bishops. The feudal nobility, their turbulence softened by French culture and the ideals of chivalry, were adapting themselves without loss of vigor and self-respect to the national monarchies, and were learning to respect the rights of the burghers, whether they were shut out of the towns as in Germany or shut into them as in Italy, or rebelled against as in France or commandeered by the towns as in Flanders.[11] Monarchs were supreme without being absolute, national consciousness strong and definite without loss of sense of corporate obligation, as yet, to a common Christendom. The Church, coming out of a brief confusion of anti-popes, had defeated the most powerful of the Kaisers in his Byzantine-Imperial ambitions, and retained as firm a grasp as ever on her temporal problems. Roman law was advancing in scientific precision at Bologna, and as we have seen, through the notarial law was correcting the barbarism of the Folk-law in Germany without as yet threatening its extinction. Mediaeval humanists like John of Salisbury (1115-1180) might complain of the dialecticians, but the School of Chartres was still holding its own in classical studies; and John himself had been Abelard's pupil, without afterwards forfeiting the favor of St. Bernard of Clairvaux. A finer sensitiveness, a more pervasive public opinion, reflected indeed in the

[10] Gilbert K. Chesterton, *The Everlasting Man*, London, 1925, p. 317.

[11] F. W. E. Keutgen, art. "Mediaeval Commune" in *Encyc. Brit.* (11th ed.), VI, pp. 784 ff.

increasing legal use of the word *Publicus* as we have noted, increasing intercommunication and controversy made men impatient of the old savage survivals of tribal cunning and predatory violence. Our three authors all testify to a growing demand just at this time, for truthfulness, for reliability, for disinterestedness. From a hasty reading of Ellinger, who gives many instances of protests against untruthfulness from literature such as the *Ruolandsliet,* and from the later rhymesters and minnesingers, one might gather that the demand for impartiality and for veracity came principally from lay sources, and that the heretical culture of Provence was influential in inspiring it. But the German version of the Song of Roland which he quotes seems to be the rhymed one by the priest Konrad of Ratisbon in the twelfth century, which was not only severe toward lies, but also pious[12] in tone. The earlier instances Ellinger mentions are from clerical and monastic writers, such as St. Bruno of Querfurt and Othlo of St. Emmeram,[13] and the lay demands for truthfulness which he cites are later than these.

Lasch multiplies the early instances of clerical and monastic writers who very evidently took the lead in the demand for accuracy and veracity in historical accounts and in human intercourse generally. Heriger of Lobbes (925-1007) for instance, enunciated a principle which went further in this direction than the author of the Fulda Annals of the previous century, who said, in connection with a pious legend whose credibility he doubted: "For it is better to be silent than to speak falsehood"; "It is more becoming," said Heriger "reverently to confess ignorance than irreverently to lie in the cause of piety." This certainly is an advance upon the cautious words of Herodotus, of which these maxims remind Lasch: "Touching the gods and the heroes—gently!"[14] Heriger clearly states that "pious fraud" would be an offence against reverence. The sincerity of this profession is all the more emphasized by Heriger's predisposition in favor of a legend about St. Servatus, which he cannot entirely credit.[15]

[12] *Encyc. Brit.*, p. 465b.

[13] St. Bruno (975-1009), Othlo (1013-1072).

[14] "Καὶ παρὰ τῶν θεῶν καὶ παρὰ τῶν ἡρώων ἐυμένεια ἔιη" II, 45.

[15] Lasch, p. 43; *Gesta ep. Leod.*, I, 20.

CHAPTER THREE

Criticism in Compilations of Sources 1008–1158

We may well agree with both Lasch and Ellinger when they regard St. Bruno of Querfurt (970-1009), the second of the two martyr-Apostles to the Prussians, as the pioneer of that steady growth in source-criticism which reached its most typical mediaeval development in Otto von Freising before the middle of the twelfth century. Here was a biographer who had been given by his superior, Johannes Canaperius, his own written account of the life of St. Adalbert—who had recently given his life in a missionary expedition as protomartyr-Apostle to the then Slavic Prussians—as material for a second biography, which Johannes enjoined him to write. Bruno had had personal acquaintance with Adalbert, whose footsteps he was later to follow. Bruno in the first redaction of his work incorporated some of the legendary marvels related by his superior Johannes, though treating some statements with a certain reserve. But inasmuch as he had had more direct and personal acquaintance with St. Adalbert than had Johannes, he formed certain judgments as to the improbability of some of the latter's more marvelous material, and in his own second redaction in 1008 (the year before the biographer himself met a martyr's death), much of this material dropped out entirely. Here is a decided suggestion of an act of courageous source-criticism under specially delicate circumstances of personal and community relationships, in which there was apparently no sacrifice of reverent or pious interests; and the critic the next year went to receive the glory of the same palm won by the man whose career he had thus conscientiously narrated.[1]

Prussia has, therefore, at the very beginning of her connection with the Christian faith in the first decade of the eleventh century, some associations of peculiar interest to her scholars.

Thangmar, writing about 1015 his life of St. Bernward of

[1] Ellinger, pp. 100, 101; Lasch, pp. 59, 60; Wattenbach, I, pp. 388, 390.

Hildesheim, though a vigorous partisan of his beloved master, expressed the aspiration " Veritas odium parit; sed scribentibus gravis culpa est vel falsa dicere aut vera intermittere." Liutprand, (938c-971), a court chronicler of laic training and sympathies, suspecting the untruthfulness of a rumor against the marriage of the Margrave Adalbert of Tuscany with Berta, traced the motive of the slander to Hugo, King of Italy, son of Berta by a former royal marriage.[2] The study of chronological discrepancies, on which a good beginning had been made in the Carolingian period by Paul the Deacon [3] and in the *Gesta Abbatum Fontanellensium,* (the latter to the year 833 with continuation to 850, using good sources)[4] was developed with the help of Eusebius and St. Jerome by Ekkehard of Aura and by Otto of Friesing with special acuteness.

Othlo, (1013-1032) of the Benedictine House of St. Emmeram, especially represents the emergence in the mediaeval period of autobiographical interests, and has been a fascinating study to interpreters of mediaeval spirit who, like H. O. Taylor [5] like to dwell on inward struggles between other-worldly faith and the attractions of growing intellectual and aesthetic interests. Othlo's mental tastes and his misgivings over them reflect the hesitation and the distrust with which, after the influence of Cluny, the new discussions and the growing literary culture were regarded by many devout persons. In his work as a historian, however, he has no doubts about the importance of original documents. In his life of St. Wolfgang he makes a choice between two documents because of presumption of its greater authenticity. In his life of St. Boniface he used as his principal sources the extant letters by and to the saint.

The work of Ekkehard of St. Aura (1050c-1125) is as impersonal as that of Othlo is personal and self-revealing; and this harmonises with the fact about that work which most concerns our study—the extent and variety of the material which Ekkehard, in his time, was able to use, and the use he made of it. Paucity of material, Lasch says, had been one of the chief grounds for the

[2] Lasch, pp. 76 ff; Wattenbach, I, pp. 474-480.
[3] Lasch, p. 25.
[4] Pertz, MGH, *Script.* II, pp. 270 ff (Lasch).
[5] *The Mediaeval Mind,* New York, 1911.

timidity of the earlier criticism. Material, he adds, became richer in the eleventh century and Adam of Bremen, who came to the Baltic city in 1068, found there a comparative abundance of records. Did keenness and sureness of critical sense then advance in proportion to increase of material? All three of our authors give evidence enough to show that the ecclesiastical scholars of this period, in view of their increased advantages for comparative study, made at least as much progress in the use of their material as the scholars of the Renaissance and the Reformation periods made, considering their manifold greater advantages, through the invention of printing, and the stimulus of multiplied intercommunication in the era of travel and discovery. Indeed the growth of critical skill, from the documentation begun under the patronage of Maxmilian I to the Annals of Baronius, might be estimated as relatively halting and backward, compared to the instantaneous response made by Ekkehard of Aura and Adam of Bremen to their new facilities for research. Ekkehard, in compiling the most comprehensive chronicle attempted till his time, was especially confronted with chronological gaps and contradictions in his sources, and as Lasch says, developed here a real expertness. In the early, Biblical part of his task he took heart from St. Jerome's refusal to be daunted by discordant dates in Hebrew codices, and weighed possible solutions of the conflicting time-periods in Josephus and the Book of the Kings, the time-relation of Esdras to Nehemias, as well as the difficulties about the time of St. Peter's advent to Rome, and in connection with the early papal history. He goes into such questions, he says, not from garrulity, but from eagerness for truth. He allows for errors in transcription, and on the part of authors, states clearly the various possibilities, but usually leaves the matter undecided. What is of importance is that comparisons are made, difficulties clearly stated, discrepancies noted.[6] In the historiographical sphere, we see beginning the metal discussion that later produced in dialectic the *Sic et Non* of Abelard. If there is caution in withholding conclusions, this might seem to be warranted by the still limited field surveyed.

Ekkehard of Aura, then, typically illustrates the characteristic of the mediaeval attitude which we have noted, that of preserving

[6] Lasch, pp. 36, 37.

treasures which it confessedly fails to valuate adequately, hence faithfully preserves and tries to reconcile them if possible. It is a humility which is not servile, but at once devout, and (in view of the limited evidence) scientific. When he himself lacks solutions, Ekkehard of Aura does not become agnostic for others. Progress is still open, and he leaves the decision "to the discerning reader," or "to the learning of others."

And Adam of Bremen (whose productive period lay between 1068 and 1101c.) felt that evidence justified him often in going a step further. He sometimes makes decisions between his sources. He concludes, for instance, that Cosmas, Dean of Prague, set a false date to the consecration of Adalbert in that city, 969 instead of 983.[7] Adam could form bolder judgments because with all his learning, and his respect for written record, in him the tradition of reverence for old writings was tempered with something of the old racial love of oral tradition which we noted as so strong in Ekkehard (IV) of St. Gall during the period of *Volksrecht* decline in documentary interests. But Adam, recognizing as he did the value both of oral and of written evidence, could scrutinize both. He rejected many of the sea-yarns brought to port from Iceland, and when, in what is said to be the first record of the Norse visit to the coast of America, he not only cites as authority King Svend, with a characteristically Teutonic deference to the word of a "powerful personage," but he is careful to add that he credits the accounts of the fertility of "Vinland" soil on "definite information of the Danes."[8] Adam announces in his preface that he can confirm all his statements with testimony, "so that if my word is not believed, at least my authority may be credited."

There are other signs unmistakable enough of a demand for impartiality, for careful research, for accurate statement. Ekkehard of Aura himself is charged by Sigebert of Gembloux (1035-1112) with over-praise of the Emperor Henry V and with suppressing his faults. Sigebert himself claims to follow his authorities "not because they are holy or learned men, but because they have proved themselves truthful in their accounts." The writer of the *Pöhlder Jahrbuch* in the twelfth century makes most

[7] Lasch, pp. 27, 28.

[8] Arthur F. J. Remy in *Cath. Encyc.*, I, pp. 133.

sweeping complaints against the deficiencies of historical writing since the Christian era. Before, he says, histories were adequate; but since then, careless choice of information, errors in chronology, confusion about names and deeds, have prevailed. This writer, like Sigebert, has a model historian whose merits he holds up by way of contrast; in Sigebert's case it is Anastasius the librarian (d. 879); in that of the other, Eusebius. The writers of the *Acts of the Bishops of Cambrai*[9] are not content with using annals and historical writings, they seek evidence "also in charters which are extant in the Church archives." If the "priest Conrad" of Ratisbon, as J. S. Robertson thinks[10] is the author both of the *Kaiserchronik* and of the *Ruolandsliet* (1135c) he visits the treachery and intrigues of Ganelon against Roland with obloquy and fearful punishment; and in the *Kaiserchronik* he sternly condemns the strategy with which the Saxons conquered the Thuringians—a story which Widukind (967 ff) had told with open approval.[11] A similar change of attitude is seen in the later version of the *Waltharius*, one of the tales connected with the Nibelungen cycle, in which the treachery of Gunther and Hagen, at first related without disapproval, is later declared to be a breaking of Divine Law. What Ellinger says about the extremely popular fable-cycle of Reynard the Fox would seem to indicate that the cunning trickster and liar continued to be a popular hero until the thirteenth century at the earliest, and that the version of Willem, the Fleming, in 1250, was the first time the Fox was lectured and punished for his duplicity.[12] Potentates, spiritual and secular, in the twelfth and thirteenth centuries sometimes used to dub their antagonists "Isengrim the Wolf," before Reynard fell into temporary disgrace. According to Ellinger the Fox once more becomes the victorious trickster in the fourteenth and fifteenth centuries, but the satirical motive, never perhaps wholly absent from the fables, now pervades and dominates it, whether playfully or bitterly.

Mention here may be made, for parallel non-German researches,

[9] Lasch, p. 52, *Gesta. Episc. Camaracensorum*, MGH, *Script.* VII, 402 ff.
[10] Art. "Germ. Lit." in *Encyc. Brit.*, XI, p. 784.
[11] Ellinger, pp. 97ff. [12] Ellinger, Ch. VII.

of the collection of the "Great Chronicles of France" at St. Denis, brought to its imposing dimensions at the original instance of Abbot Suger (1082-1152). Translation into the vernacular began before the compilation was completed.[13] St. Denis, that ancient repository of national memorials and relics, was afterwards one of the workshops of the Maurists, and Mabillon was there before being sent to St. Germain-des-Prés in 1664. This work, the "Great Chronicles" almost contemporary with that of Ekkehard of Aura, attests in France that general increase of historical material which Ekkehard in the *Chronicon Universalis* and the *Chronicon Urspergensis,* was so well prepared to systematize and compare in Germany.

The *Great Chronicles of France* or of *St. Denis* must be distinguished from the *Chroniques de France* etc. of Froissart, finished at the end of the fifteenth century, a much less scholarly work, though vividly reflecting and describing chivalric ideals and life. Of the French lay chroniclers and memoir-writers, Froissart distinguishes between "chronicle," as bare statement of fact, and "history," which as he himself illustrates, attempts to reproduce the dynamic spirit of events and great deeds. Villehardouin, (d. 1213) is also fresh and vivid in narration and description, but unreflective, in Flint's view; a keen and interested observer, but no ponderer of testimony, no generalizer nor analyzer of cause and effect. Criticism, like that of the Lombard Liutprand in the tenth century, returns to lay memoirs in Joinville (1224-1319) and Commines (d. 1509). The former "judges and compares, meditates and moralizes" in his account of the royal saint. Commines, with his political shrewdness and his judiciousness in estimating character and action in the time of Louis XI brings us at least to the verge of historiography of Macchiavelli and Giucchiardini, yet Flint denies to him feeling for "spirit, laws, tendencies in human affairs."[14] How far they analyzed motive or credibility in rumor or other sources, Flint does not say. Here they claim some attention as an indication that the later lay mediaeval historiography was actuated by a keen interest in the objective observance of persons and events, upon results of which

[13] Flint, *Historical Philosophy in France*, etc., New York (1894), p. 177.
[14] Robert Flint, *op. cit.*, pp. 178 ff.

critical judgment can the more readily be called into play. Although these lay accounts show a characteristic liveliness of interest and color that contrasts with the style of the chronicles, yet it can scarcely be said that they show, in kind or quality, an epochal advance in critical reflection over the source-scrutiny of the clerical writers.

We may now close our review of mediaeval source-valuation, especially in Germany, with mention of Otto von Freising and Innocent III. Innocent (1160-1216) began his pontificate in 1198. His recommendation of rules for the scrutiny of documents is a most definite and official indication of the sincerity with which efforts were made to cope with one of its most persistent abuses, falsification. It also attests the part taken by the Church in fostering the whole development of notarial and of legal science in general, in the thankless task of aiding in the construction of systems and methods for civilized progress which were so soon to be turned as weapons against her. An important aspect of the whole cultural struggle of the middle ages, as we have seen, was the aim to emancipate the document from being interpreted by the interests or the caprices of the "powerful personage,"[15] and to find and develop some disinterested technique whereby men might be held responsible for their own decisions in the transfer of proprietary rights and privileges. In coöperating to such an end, the Church had not sought to dominate the documentary situation in her own temporal interest. Although the Pope was himself in the mediaeval sense the highest of all *Mächtigen Personen,* the very thing the Popes did *not* do, was to make documentation in any sense a clerical monopoly. Precedent from early mediaeval conditions might have suggested this, but there is no hint in any of our authorities that such an attempt was even thought of. As soon as lay literacy and lay culture warranted, a lay institution was revived, encouraged and perfected with the whole-hearted aid of the Church. So fundamentally laic is the whole notarial tradition that even in the Papal courts, although formerly the *primicerus* or the head of the notarial staffs was required to be in minor orders at least, Canon Law forbids even curial notaries to be

[15] *Mächtige Person.*

clerics.[16] In the rules laid down by Innocent III, says Lasch[17] "we are confronted with the elementary principles of diplomatic criticism"; with beginnings which "constitute a new proof of the advance won for criticism since the eleventh century." This, he says, accords with the evidence we have of the systematic and circumspect fashion in which at this time the Papal chancellery dispatched its business. Other evidences of expert scrutiny of documents are adduced by Bresslau, who omits reference to Innocent: such as the vindication of a document by 18 notaries in Venice after it had been declared spurious by Doge Vitalis (1161); the condemnation of a seal in 1175 on account of the color and smell of the wax.

Otto von Freising (1111-1158) preëminently shared and professed the aspiration for impartial research: He is most fit to be a historian who can relate events from testimony of eye-witnesses, and asks no favor; for his part, Otto adds, he proposes, God willing, to steer neither to the right hand nor to the left. His zeal for accurate conceptions of opposed positions is shown in his condemnation as improbable of a story about a saint who was said to have been pressed to worship an idol by Moslems. He gives his reasons by dispassionately stating the actual resemblances and differences of Mohammedan belief with relation to Christianity. Like Hugo of Fleury[18] and Sigebert of Gembloux, he distinguishes between reliable and unreliable sources, written as well as oral; often, like Ekkehard of Aura, he does not venture to reject a source, though stating clearly objections against it. But again, he resembles often Othlo and Adam von Bremen in boldly rejecting some accounts, as the supposed letter of Alexander to Aristotle which Ekkehard had doubted without rejecting. Otto did not forbear to note some facts in the reign of Theodosius that seemed hardly compatible with the claims of the Donation of Constantine. These facts alone did not warrant Valla's later conclusion, which had other ground as well, but their observation by Otto brings him into the beginning of the history of the exposure of the forgery.[19] The treason

[16] C. viii, "*Ne clerici vel monachi,*" l. III, tit. 50; A. Boudinhon in *Cath. Encyc.*, XI, p. 123 b.

[17] Lasch, p. 108; Bresslau, ch. 2.

[18] Lasch, pp. 49, 50.

[19] Ellinger, p. 102.

of Archbishop Hatto against Adalbert of Babenburg, which earlier writers had refused to credit because of Hatto's holy office, is excoriated by Otto in an outbreak of indignation, directed at all who would condone such a deed.[20] It is important to remember that in Otto, mediaeval historiography had the benefit of the scholastic discussions at Paris, and some acquaintance with Aristotle, although the "Philosopher" was still disguised in the Jewish-Arabic-Syriac glosses which were later to be torn away by the textual work of St. Thomas Aquinas and William of Moerbeke.[21] And indeed Otto von Freising was to mediaeval historiography what St. Thomas later came to be to philosophy. In his mind the whole synthesis of the Augustinian perspective of history was reviewed and recast in the light of the additional seven centuries that had passed since the *De Civitate Dei* was written.

Before passing to the later use made of the mediaeval documentary traditions, we may pause to acknowledge our debt to Bresslau, Ellinger and Lasch, with the help of Wattenbach, for helping us with their evidence to the following conclusions: First, that the first step in historical criticism is not doubt, but confidence of the mind in its given capacity for knowledge, whether that knowledge be mediated by faith, by experimental inquiry, or by both. Second, that for progress in scientific knowledge of any kind, certain relatively stable conditions in a civilization are necessary, to discipline the mind in accuracy and truth to methods, and liberate them to some extent from the confusion and the instinctive cunning of tribal, local or other group-struggles for self-preservation. From the beginning of the mediaeval period the Church was able to serve both these fundamental needs. Her dogma supplied a nucleus and starting point for all other kinds of knowledge. Her preservation and readaptation of the elements of antique culture supplied a similar starting point for the rebirth of civilization. The modern world, having discovered the relative stability of mechanical and chemical law, tends to shift its base upon that type of stability. The mediaevals knew at first only the stability of the Church. We have seen that by the twelfth

[20] Ellinger, p. 102.

[21] J. E. Sandys, *History of Classical Scholarship*, 3d ed., Cambridge, 1921, I, pp. 583, 584, 587, 572; Maurice deWulf in *Cath. Encyc.*, XV, p. 634.

century they were at least on their way to build and discover other things with a relative stability. They were discovering the responsibility man has for the marks that he makes upon a piece of parchment. This is the special discovery that interests us now in reviewing their document-valuation.

William Stubbs was neither a Catholic nor a philosopher; but he was a historian, and the just observation which he made on scholastic thought in his Lecture XI on *Mediaeval History* (p. 211) is equally applicable to the mediaeval historical perspective. After defining Scholasticism as "an attempt to codify all existing knowledge under laws or formulae analogous to the general principle of justice," he adds: "It was no attempt . . . to bind all knowledge with chains to the rock of St. Peter, nor even to the rock of Aristotle. Truth is one and indivisible, and the mediaeval philosophy found its work in reconciling all existing knowledge logically with the one Truth which it believed itself to possess." To this it may be added that the essentially scientific character of such a belief and such an endeavor has not been discredited by any new knowledge achieved since the middle ages.

CHAPTER FOUR.

Critical Standards in the Humanist and the Reformation Periods 1337–1553.

We have been observing how in the legal history of the Middle Ages, and to some extent in its historiographical research, certain principles of diplomatic were reached and formulated after a long and varied sequence of valuation, depreciation and revaluation of documents in Germany. Yet the rudimentary documentary science of the notarial schools was insufficient, through defects in historical knowledge that were not yet remedied, to cope with the abuses of charter-falsification and forgery. Or better, it might be said that expert scrutiny of documents had not reached a stage when this historical knowledge could be mastered. The new interests of humanism and the upheaval of the Reformation made comparatively little change in the essential situation as to document-valuation, if we except the secularizations of property and territory in favor of the Protestant princes which were features of the Augsburg settlement. These formed a precedent for the sweeping dispossessions of the religious houses and the voiding of community and ecclesiastical rights which characterized the Josephist program of the later eighteenth century, and which, followed by the revolutionary and the Napoleonic confiscations and other changes, revolutionized the whole aspect of documentary interests, turning in a short period innumerable chartered rights and privileges into historical records of the past. With this matter we shall deal in its proper connection with the later onslaught made in the name of the State, upon a certain theory of State institutions, against traditions and against documentary interests. Here we have to deal principally with an attack made upon institutions, more particularly the Church, in which documents were the principal weapons.

We are bound at this point to mention one determinative fact that marks the end of the operation of that process of development which we have been noting as the characteristic of changes in mediaeval society and civilization: the establishing throughout the Empire, under Maximilian I, of Roman Law as the accepted legal

standard. The reception of Roman Law had no immediate effect in invalidating legal titles or changing the status of chartered privileges, but whatever its advantages in promoting civil order, it had the effect of arresting and crystallizing a social structure that had been subject to repeated changes without revolution, in such a way that future changes were more likely to take radical and revolutionary forms. The classes that particularly suffered after that social crystallization were the lesser knights, whose occupation of mercenary private warfare was taken from them, and the peasants, who were less in a position to defend their claim through documents. Roman law clapped its harness upon unlettered men, who had relied on the customary though elastic Folk-law, before they could realize the power of the learned law of the notaries and adjust themselves by education or otherwise, as the burghers had been doing, to the change.[1]

The reception of Roman Law might be regarded as merely an extension and further application of the same general trend toward scientific expertness and efficiency which we noted in the growth of notarial prestige and of the independent proof of documentary evidence recognized by the law. It was indeed related to this, but it was now made the instrument of a new spirit and new forces, which had been working for supremacy for two centuries. The reinstatement of documentary proof-value in Germany in the thirteenth century had been comparable to the introduction of Norman-French culture into England—while it began as a conquest, it developed into a fusion and an assimilation. But the reception of Roman law had behind it a more systematic will-to-power than that of the Normans or that of the Italian notaries, and its conquest was of the inexorable type that brings extinction or rebellion, not readjustment or amalgamation. It had been prepared for by the steady organization in France since the fourteenth century and in England since the War of the Roses of the feudal and civic-industrial elements of those nations under monarchies that were assuming the absolutist supremacy of the Byzantine conception of the state. In this situation the Empire, the greatest of the monarchies, was in a peculiar situation of disadvantage; for the rulers of the greater duchies, following the absolutist trend, were consoli-

[1] Headlam and Pollard in *Encyc. Brit.*, XI, p. 852.

dating their own power into sovereignties until they were practically independent; the Empire, on the contrary, was no stronger than the Kaiser who happened to be on the throne, and the Hapsburg policy had early sought to offset the handicap by amassing territory and family possessions outside of Germany by marriages and other alliances. Thus the paradox was presented of the secular monarch of highest dignity, whose traditions and whose ambitions had been more absolutist than those of any other in the early period, was the least of the three greater monarchs in a position to use absolutist power, and this check on his power was the more accentuated as the other monarchs developed their actual and practical absolutism. Under the earlier more typical mediaeval situation the Empire was much less at a disadvantage, however unsatisfactory the situation might be to Imperial ambitions. Thus the reception of Roman law in Germany in the early sixteenth century while it was designed toward national consolidation to offset the monarchical powers of France and England, served in Germany only as one of the wedges that was to disrupt national unity and dissolve the central bond of mediaeval society.

Italy, which had been the center of that long study of Roman law which had been almost continuous with the antique period, also showed the strength and the quality of her nationalist feeling in the Renaissance. This movement had begun as a civic and a national exclusive claim for Italy, to the antique heritage. It was marked by strong reactions against feudal and Imperial influence and force from Germany, and by aversion, in mental interests, against the Aristotelism of the French universities. And with this nationalism, as we see in Macchiavelli, came to be associated the pre-Christian political conception of the irresponsible and all-powerful Prince. Macchiavelli is credited with giving to the modern world the term "the State";[2] and in spite of the modified associations we have with the word since state power was placed within the reach of competition among social groups in the revolutionary period, there still clings to the term some of the old arrogance with which Macchiavelli invested its original meaning, as of something secular and indifferent to moral and spiritual values, something fixed and crystallized in a worldly audacity.

[2] Arthur N. Holcombe, *The Foundations of the Modern Commonwealth*, New York and London, 1923, p. 42.

Yet the paganism in Italian humanism was usually implied and subconscious rather than explicit and defiant. Often humanists were not pagan deliberately or systematically, but rather so through reflecting the spirit of a Greek and Latin literature and art which never knew Christianity, in whose atmosphere scholars were now at length able to steep themselves through familiarity with new codices from Byzantium. In their secularism and its frequent disregard of Christian ethics, in its theories of the "state" and of state policy, they followed the impulses of absorbing interests rather than promulgated intentionally anti-Christian ideals. The new culture and the new luxury made possible by the thriving Mediterranean trade had an intoxicating effect which led men and communities far from Christian discipline and practice, without at once suggesting to them hostile designs against the Church or disbelief in her Faith. As a whole, the Italians of the Renaissance had no notion of dislodging the Church from that central place she had held throughout the Middle Ages, so long as they could in practice disregard her spiritual counsels and avail themselves of only the minimum of her privileges and requirements. Such disregard had always been possible, for the Church's position in the Middle Ages had been central rather than dominant; her pressure in temporal matters had been that of the most coherent of powerful interests, rather than that of an *Imperium*. And in Italy the Church had accepted the Renaissance, since in its essence it involved no doctrinal or systematic opposition to faith or morals, only a tendency that might, if unguided, prove hostile to both.

Through the Empire, and the restless ambition of the Kaisers to make it a genuine *Imperium,* Germany and Italy had long been brought into mutually irritating contact. The growth of national consciousness, both in Italy and in Germany, together with the distinctively cultural incompatibilities that attended it, intensified this bitterness. We have seen how Germany's racial nationalism had kept her aloof from legal documentary development until she was penetrated by the growing notarial technique, in order to aid in meeting the needs of increasing transactions and to save proprietary interests from confusion and rapine. We noted how the legal documentary recovery in Germany was accompanied by a more scientific treatment of documents by historians. We remember also, how before the more critical use of sources by Othlo of

St. Emmeram, by Ekkehard of Aura, by Adam of Bremen and Otto of Freising, there had existed a general tradition among most of the monastic and clerical historians, of greater respect, generally, for the written than for the oral sources; and if we connect with this the legal development which gave the certified charter independent proof-value through script- or seal-comparison, adding to this the effect of the invention of printing in stimulating the prestige of written records of any kind, we have at least several contributory factors that help to explain the form that Protestant controversy took, and the peculiar position which it assigned to Holy Scripture. By the reformers, Scripture was treated practically like a charter, sealed, certified and subscribed by the Divine Hand, with no intermediary certification, and with no legal interpretation of its sense except the noisy *adclamare* of private judgments, which could be silenced temporarily only by the hoarse *ipse dixit* of some *mächtige Person* in the shape of an eloquent orator, backed by a feudal Prince. The attitude toward Scripture which was promoted by the Reformation leaders was far behind and below the scholarship of a chronicler of the eleventh or twelfth century, of those modest and laborious men who could discuss the chronology of the Book of Kings, the identity of Herodias or the time of St. Peter's visit to Rome without sacrifice of reverence, candor or honesty. This Reformation cult of "independent" Scriptural authority combined in its characteristic features the violence of the crude charter-tests by perforation and by combat, with the early mediaeval awe toward the written record and caution about oral tradition, as well as with the later legal recognition of the document as independent means of proof—a combination of features whose grotesqueness has been sufficiently exposed by later Protestant critics, who, however, in other ways themselves have been influenced by the destructiveness of the tradition.

This characterization applies more to the presuppositions behind the Reformation doctrine of the "sufficiency of Scripture," than it does to the actual textual studies of Reformation scholars, a discussion of which is aside of the present purpose. What especially concerns us here is the way in which the sacred writings were torn violently away from the Institution and the Tradition with which they were organically connected, with the rash boast that Holy Writ contained in itself sufficient proof-value of the meaning and author-

ity of its contents. The documents of the Christian religion, which apart from the history of their preservation and valuation by the Church cannot historically be understood, were thereby used as an engine to demolish if possible the Christian institution and discredit its tradition. The grave critical defects of such a treatment of the most important of all documents, and the retroactive effect on critical judgment of such a precedent in scholarship, should not be underestimated.

Before passing to similar polemic use of less important sources, mention should be made of the humanistic source-publications whose interest was more purely scientific. In 1442, Aeneas Sylvius Piccolomini (elected Pius II in 1458) while in Vienna, rediscovered Jordanes and Otto von Freising, the first and the last of the list of mediaeval German historians we considered in our first three chapters.[3] As in Italy there were being rediscovered many of the ancient classics to be read eagerly in the light of the strong renewal of national and civic consciousness, so in Germany the discovery of mediaeval writings was increasingly hailed with racial pride. Vernacular writings were not merely reserved for scholarly study, but were published for general reading, since the language of the time was not so far removed from mediaeval German as to render such reading difficult. In 1457 Peter Luder and Hartmann Schedel collected and published, the former, fragmentary source-passages woven into a rhetorical sketch of the German past; the latter, antique and Geraman inscriptions and chronicles. The history of Frederick I, part of the Ursperger Chronicle was published 1470-1474; a few years before, the *De Imagine Mundi* and the German translation of the *Flos Temporum*. Johann of Trittheim (Trithemius), (1462-1516) who made Sponheim famous for its library while Abbot there, sent the monk Paul Lang searching through many cloisters for sources for German history. Trithemius' name, however, seems to be dimmed by something more than suspicion of hoax and invention, though by some this is contested. It was, however, the interested patronage of Maximilian I, in connection with the University of Vienna, that stimulated great activity in

[3] Wattenbach, Introduction to *Deutschlands Geschichtsquellen*, Stuttgart and Berlin, 1904, I, p. 2.

the collection and publication of old manuscripts, a special fund being set apart for that purpose. Southwest Germany was scoured for materials for a genealogical history of the Hapsburgs and other houses from 1498 to 1505 by Ladislaus Suntheim. Johann Spieszhaymer (Cuspinian) and Dr. Jacob Menuel (Manlius) had commission to collect books from all parts of the Empire, and when the Kaiser was sleepless, like the Persian monarch in Daniel he had the old writings read to him. In 1497 Conrad Pickel (Celtis), called to Vienna, was sent to the far north for material for a long promised *Germania illustrata,* of which only the preliminary sketch was finished at his death in 1508. He had discovered at St. Emmeram the work of Hroswitha the nun, which he published in 1501. Ligurinus, which he had found in the Frankish monastery Ebrach, was the subject of lectures by himself and his friends in Freiburg, Tübingen and Leipzig, and was printed in Augsburg in 1507. The Roman map of the second century, the *Tabula Peutingeriana,* so-called because Celtis left it to Peutinger in his will, was also the former's discovery and later found place in the court library at Vienna. Conrad Peutinger "the learned patrician of Augsburg" was in Maximilian's council and inspected old letters of the Hapsburgs in Klosterneuberg, and brought to his own apartments in Vienna chronicles and histories from all parts, with imperial permission. In his large private library were contained the most valuable German sources, and some of his most important publications do not bear his name. Johann Mader from his collection published the first edition of the *Chronicon Urspergense,* and Peutinger himself edited the *De Rebus Geticis* of Jordanes and the *Historia Langobardorum* of Paul the Deacon, the latter work considerably better than the edition of Paulus by Guillaume Petit, in Wattenbach's opinion, though the latter regards Petit's version of Gregory of Tours in 1512, of Sigebert of Gembloux in 1513, and of Liudprand and Aimoin (considered apart from Paulus) in 1514, as worthy of notice. In 1515 Cuspinian combined with the imperial historiographer Stabius, who himself is said to have compiled a large work on German history from sources in the imperial collections, in the publication of Otto von Freising and the continuation by Ragewin. Gervasius Soupher of Breisgau published the *Gesta Henrici IV* in 1508, with a preface breathing defiance against the French. To defend the honor of Maximilian, John Turmair

(Aventin) in 1518 published at Augsburg his biography of the Kaiser, whose death occurred the next year, not before he had seen some signs of the approaching upheaval. Aventin collected rich material for his *Annales Boiorum*. Count Hermann of Neuenar in 1521 in Cologne published Einhard's work, and Sebastian of Rotenau in Mainz, the Chronicle of Regino. Thus, in this period, one after another, appeared in print for the first time the principal mediaeval historians, after an earlier lapse of almost complete neglect and obscurity. These publications represented criticism so far as appreciative selection of the most important material was concerned, for the German humanists were alive to all that might reflect glory upon the nation and its reigning house; it also showed a distinct advance upon mediaeval source-valuation in that each work was brought to light and presented in such state of integrity or of redaction as it had been found, on the responsibility of its authorship. There had been a distinct break with the time-honored custom of incorporating former narratives with or without acknowledgment, and with readaptations or variations in which the demarcation between source and the use of it was obscured. The extension of the Renaissance culture had brought with it, in addition to the inceptive chronological science of Ekkehard of Aura and Otto of Freising on the basis of St. Jerome and Eusebius, a keener sense of contrast in style and time-atmosphere, due to the stimulus of the imaginative habit of the humanists in their classical studies, of transporting themselves into the remote life of antiquity. It was this quickening of instinct and observation through imaginative living in remote periods of the past, occasioned by the increase of access to the more life-revealing types of the literature of antiquity, that had made possible the detection of anachronism when attention was brought to mediaeval sources. Hence after the suspicions of Otto of Freising, the graver doubts of Cardinal Nicholas of Cusa in his work *De concordantia catholica* (1432-35), were followed by the more definite arguments leading toward complete exposure of the Donation of Constantine forgery, by Lorenzo Valla in 1440. The history of the exposure of the False Decretals begins with the condemnation of the earlier decretals as forgeries by Cardinals John of Torquemada and Nicholas of Cusa, the latter in 1464, the former in 1468. Erasmus followed before 1536, then the Protestant former canonist Charles du Moulin and the Catholic canonist Antoine le Conte, a more detailed attack

being made and published by Mathias Flacius in the Magdeburg Centuries in 1559.[4] All Catholic defense of the Donation ceased when Baronius in his Annals admitted the forgery, and two priests, the brothers Ballerini, in the eighteenth century, made complete the exposure of the False Decretals, the most important part of which task had been done by Nicholas of Cusa, by Flacius and by the Protestant Blondel in 1628.

In our review of the mediaeval historians we noted how often and variously critical keenness was sharpened by the exigencies of theological controversy, and that Otto von Freising had the benefit of at least some training in a dialectic logic and method which was being forged in the heat of doctrinal discussion. If Maurice deWulf is correct in saying that the controversy over "universals" was practically settled by the time of Abelard[5] it is a fact that should be more generally recognized, and the impression that many people have of it as an interminable issue would be corrected. The real issues in the later great age of scholasticism, that between the Thomists and the Scotists for example, seem to have been more vital than the question of "universals." One of these issues seems to have been nothing less than the question of how far knowledge is attainable by discursive reasoning. When we come to the age of Petrarch (1304-1374), and in Italy especially, we find a strong reaction setting in against scholastic thought, a dislike which generally characterized the whole humanist movement: but perhaps, following deWulf's suggestion, this was because the humanists knew scholasticism only in its period of decrepitude, in an age when the logicians themselves hardly believed in logic; and when men were beginning to be more impressed with well-organized forces and persistent and cunning interests, than with arguments, reasons and rights. Certainly the generalizations of Stubbs (an assiduous student of mediaeval documents who in 1874 was accorded honorary membership with the *Monumenta* workers of that time) are to the point when he characterized mediaeval history as one of "rights and wrongs" and the transition to the modern period, in which he specifically comprehends the Reformation under the characterization, as one of "powers, forces and dynasties."

[4] Louis Saltet in *Cath. Encyc.*, V. p. 773 using as principal sources Hinschius, Seckel and Fournier. For the "Donation," J. P. Kirsch, *ibid.*, p. 119.

[5] ***History of Mediaeval Philosophy***, trans. by P. Coffey, London and New York, 1909, pp. 197 ff.

And with this both Wattenbach's and Ellinger's generalizations harmonize, when the former, after telling how, at the beginning of the thirteenth century the old authors were read in the schools, and for the more recent history, genuine and unfalsified sources were used; but that in the fourteenth century "even the most distinguished minds were content with fantastic representations of the past, without examination, the old authors disappeared from educational instruction, absurd fables overgrew chronicled history, and the simple, truth-loving narratives of contemporaries were misrepresented or disregarded. "Almost entirely seemed the sense for criticism to be lost, until in the fifteenth century once more" traces appear, aided by the efforts of the humanists for revival of classical studies and knowledge of the early Middle Ages.[6] Ellinger, as we have seen, also credits the twelfth and thirteenth centuries with a growing demand in public opinion for truthfulness and accuracy, and notes a lapse in the fourteenth century in this respect, and a recovery once more in the fifteenth and sixteenth. The rise and the highest development of scholasticism, then, which coincided with the period in which aspiration for scientific and moral trustworthiness seems to be generally conceded to have been most evident, was a most serious search for scientific method, based upon a clear criticism of the various modes of knowledge; and the cause of the decline of scholastic thought, which occasioned that deep prejudice of the humanists against it which many modern scholars inherit, was not because it had proved fruitless, but because, among other things, the task of clear and methodic thought seemed too laborious for an age in which the attraction of life of the senses was growing keen, and in which mental curiosity was seeking its satisfaction in variety of experience rather than in reflective self-knowledge. Hence, for the philosophically-minded in the Renaissance, the reverie and mysticism of Platonic modes of thought displaced the hard, dry syllogisms of Aristotle; while to others the atomism of Epicurus or the dynamism of the Stoics was more congenial. Hence mysticism in Meister Eckhart and Nicholas of Cusa, hence pantheism in Bruno, and either diabolism or atheism in the Libertines, as reflected in the legend of Faust or the tavern rantings of Kit Marlowe.

[6] Ellinger, ch. VII, pp. 102 ff; Wattenbach, Intr., p. 1; Stubbs, *Seventeen Lectures*, 1880, Lect. IX, pp. 238-256.

CHAPTER FIVE.

Documentary Polemic: Its Effect upon Criteria of Historical Impartiality, 1470-1579.

Humanism, through a fresh and vivid renewal of contact with the life of antiquity, had been stimulated to making acute observations and comparisons which resulted in the exposure of some long-standing impostures. But disillusion is often accompanied by fresh illusions in the light of which justification is sought for negation and destruction. The spirit of revolt, part national, part civic, part feudal, against Italy and all her ways, had in Germany combined with a bitter undercurrent of barbaric religious sentiment, vaguely Christian, yet hostile to institutional life in religious matters, to take practical advantage of the questionings that were everywhere being openly directed at the fundamental structure of mediaeval society. Using the Scriptures in the peculiar way we have indicated, this movement had set up private judgment, or in other words irresponsible and lawless criticism, with no check except the leadership of popular preachers or of state power, in place of the authority of the Church, which the movement rapidly came to reject. Thus as the conflict grew more bitter, and as Protestantism organized itself and then found itself divided over doctrines and leadership, certain zealous elements in the movement began to turn away from mere doctrinal controversy, and to seek in the literature and the records of the past, weapons that might be used against the Catholic Church. Hence, about the middle of the sixteenth century the importance of historical research was stressed by two Protestant leaders of very different type and even strongly antipathetic to each other:

Philip Melancthon, Luther's friend, in 1558 in a dedication to Sigismund of Brandenburg, urged the great importance of school-instruction in history.[1] Melancthon (1497-1560) represented in the Protestant movement the more liberal type of humanism which attempted to check its barbaric destructiveness and to preserve

[1] Wattenbach, I, p. 7.

if possible some cohesive and Christocentric principle and moral balance which at first he hoped might make possible an ultimate reconciliation or compromise with the Catholic Chuch. But even his strong friendship with Luther had failed to do more than to help to give Protestantism the advantage of a veneer of reasonableness whenever irenic approaches to the Kaiser were found advisable; and Melancthon literally almost died of a broken heart when Luther bullied him into joining him in the sanction of the bigamy in 1540 of Philip of Hesse, a course which revealed at once the political dependence and the antinomian trend of the movement. It was not that Melancthon was dubious in his adherence to Protestant views; for he helped to formulate the doctrine of independent Scriptural authority; but he was more sensitive to the moral and the rational weaknesses of the characteristic Protestant position, and part of his policy in controversy had been an endeavor to conceal the antithesis between Protestant and Catholic doctrine under ambiguous phrases, much in the spirit of the English Thirty-nine Articles. It is not surprising then to find him apparently hoping that the Protestant cause might find better support from historical researches and instruction than from dogmatic discussions.[2]

In Mathias Flacius (1520-1575), however, this hope became a rallying-cry and a practical program, executed with a furious energy and industry. *Historia est fundamentum doctrinae,* was his war-cry, and by history Flacius meant very definitely the collection, scrutiny and arrangement of written sources under the all-dominating purpose of creating an arsenal with which to demolish the Catholic Church. To understand the single-minded fanaticism which conceived and launched the Magdeburg *Centuries* and inspired it with the contagious animus whose influence was so potent in the distortion of history for at least two hundred years afterwards, especially in Germany and in Great Britain, we must take into account the fact that Flacius was something more than a politico-economic Protestant of the commercial towns or in the courts of the northern Electors. He was a Wallacian or Vlach, his very name an indication of his racial origin from that Romano-Slavonic

[2] 1558 (Wattenbach, I, p. 7).

stock on the Adriatic which for long periods had undergone alternate eastern and western domination and influence. Somewhere he had imbibed an obscure remnant of that lingering tradition of the Manichaean heresy which had broken out in the Western world intermittently, earlier among the Spanish and Gallic Priscillians, later in mediaeval Provence, in the Swiss mountains and northern Italy. In this tradition was something besides the bitter memory of suppression and extermination, there was a dogmatic and philosophical anarchism, a doctrine that condemned all strong and coherent institutions as the embodiment of evil. Once this idea found response in the Slavic temperament of Flacius, his Latin logic seized its immediate practical and immediate possibilities of application in connection with the revolt in Germany against Italy and the Papacy. To him the thought of conciliating the Kaiser was feeble temporizing, since he had no interest in German national unity, and the Empire, as he regarded it, was only a subsidiary part of the main object of his attack. He scouted Melanchthon's irenics as Lenine scouted Kerensky, as Marx scouted Proudhon and Mazzini, or as Bakounin scouted Marx, in the later radicalisms.[3] It is possible, of course, to carry too far an analogy between the religious anarchism of Flacius and the revolutionary industrial programs of a later age, but the comparison holds in at least two respects: First that Marx and Lenine made use of the technique of modern scientific inductive method in their attack upon the whole structure of European society, very much as Flacius had utilized the dexterities of the humanistic "New Learning" to attack the central structure of society in his day; second, the analogy holds also in the relative success of the two attacks, compared with the relative failure of more moderate programs which Flacius and Marx respectively despised. For it is possible today for Protestant historians, contrasting the achievements of Flacius and Melancthon, to credit Flacius with having "saved the Reformation";[4] and if this is true, it would seem to be because Flacius was clear-cut and direct in his theory and his

[3] John Spargo: *Karl Marx, his Life and Work*, New York, 1910, pp. 92, 93; 264 ff.; 300 f.; 286 ff. See also Robert Hunter: *Violence in the Labor Movement*, New York, 1914, ch. I and VIII.

[4] Art. "Melancthon" in *Encyc. Brit.*, XVIII, p. 89, note 2.

program, and because he made full and expert use of that which in his day passed for scientific knowledge.

Wattenbach in the introduction to his sketches of mediaeval German sources which we have been freely using, mentions a number of the source-publications which show, some by their character and by the repeated editions in which they were issued, others by their very titles, how easily and readily they could serve polemic ends. Such especially was the *De Planctu Ecclesiae* by the Spaniard Alvarus Pelagius, lamenting the ruined state of the Church from impressions of the Curia in Avignon; this work, revised in Portugal in 1340, appeared in 1474 in Ulm and in 1517 in Lyons. A coarse satire called *Pseudo-Ovidus de Vetula* appearing in 1470 had increasing circulation later. In the publication of *Germanorum principum zelus in christianam religionem* in 1497 in Basel, a work of Lupold of Bebenburg, we note the plea for monarchical ascendancy in ecclesiastical matters. The *Epistolae Luciferi ad malos principes ecclesiasticos* "a very bitter satire," first issued in 1351 in Avignon, had been very widely circulated before being printed in Strasburg in 1507, repeated in 1530, and was once more published by Flacius in 1549 in Magdeburg. Flacius also republished the Epistolae which had reappeared in 1521, in 1550. Ulrich von Hütten in 1520, published an attack on the memory of Gregory VII, falsely ascribed to Walram von Naumburg, and other writings reflecting views during the later schism and the reforming councils, including a letter addressed to Bishop Ulrich of Augsburg "against the institution of clerical celibacy," printed in Wittenberg in 1521. In 1529 at Hagenau appeared the first letters of Peter de Vinea. Most of these publications were of substantially genuine documents, but the motives for which they were printed, and the inflamed feelings with which they were read and interpreted, hardly conduced to a clear view of the significance of these documents in their historical connection As Scripture had been torn from its institutional and traditional context and mounted as a gigantic piece of artillery against the Church, so polemics, whether anti-ecclesiastical or political, was tearing documents from their contemporary settings, as a mob would tear down a public building to make a barricade. The document had become a missile.

When we ask ourselves what was the direct bearing of this strug-

gle upon the development of historical criticism, we are reminded that in the opinion of some later scholars these documentary attacks on the Church constituted the genesis of that criticism. If doubt and revolt are the first essential movements of criticism and if revolution is invariably its legitimate object, then such views take on probability; but if so, then all pretense of a judicial function for criticism should be given up. Then, too, the very concept of progress itself must be devitalized, by depriving it of the presumption that any human advance in knowledge or culture involves the retention of the advantages of past gains. Yet, though we cannot adopt such a view of criticism, we can readily recognize that conflict and partisanship, irrespective of the justice or injustice of one side or the other, often bring to light much material upon which true critical judgment can be passed. We noted this in characterizing the essentially dramatic character of the mediaeval social situation, as reflected even in its dialectic. There, however, the ideal and the belief centered in an ultimate court of distributive justice, which could give Caesar his due because it gave God His due. In mediaeval thought this idea of judgment based on law and right was as explicit as it was in the discussions of Socrates. But the Reformation attack on the Papacy was a direct attack on this idea, through its hatred of the only institution that had ever represented justice in a universal sense. The very captivity of the Church in Avignon, out of which Flacius, von Hütten and their fellows made so much capital in their documentary lampooning, had been occasioned by the declaration of a Pope, in an age when the study of Roman Law and the ambitions of monarchs combined had centered discussion around the question of sovereign power and its rightful seat—for in mediaeval discussions the idea of power could never be dissociated from right —that plenitude of power could not rightfully be separated from the only institution that could possibly claim to represent justice. Whatever more than this Boniface VIII may have intended to convey, the violent and sacrilegious outrage with which Philip the Fair and his lawyers replied to the claim, only betrayed the growing determination of strong monarchs to make power a thing independent of justice. This practical application of the pagan and despotic idea of *Imperium,* in its later workings, and by its example, contributed to those doctrines of spiritual anarchy which in

the Reformation were expressed in the assertion of the supremacy of private judgment. Figgis, in seeking to trace the mediaeval antecedents of the Stuart doctrine of the Divine right of Kings and its prototype in the Tudor despotism, lays the responsibility for that development principally at the door of Boniface; this position can be taken only by ignoring the fact that monarchical ambition and the stage of discussion reached in the study of Roman Law, had already made the question of supreme power a very live one, and the real question was whether *plenitudo potestatis* was to be interpreted in the pagan sense of absolute military and police power, or in the Papal sense of judicial power in a supreme spiritual court of equity. By claiming for the Holy See the *plenitudo potestatis,* Boniface was using the legal language of his time not *for,* but *against* an absolutist *Imperium,* since the Popes never had exercised such a type of rule, and the great power they had was exerted in a wholly different way.[5]

The mediaeval Popes were indeed active in the scientific study of Roman Law, but their interpretation of it was guided by its applicability to the conditions of a Catholic society of free men, as may be seen in a noteworthy interpretation by Innocent IV, stressed by Gierke, in which Innocent used a fiction to bend the Roman law, with its rigid native non-recognition of the voluntary organization, to take cognizance of the guilds. Such a fact as this ought not to have been overlooked by Figgis, who as a pupil of Acton was otherwise so keen to detect evidence of institutional provisions for free association in the Middle Ages. One fears that the temptation of playing up the Papacy as the despotic foe of

[5] J. N. Figgis: *Theory of the Divine Right of Kings,* Cambridge, 1896. See as corrective of Figgis' view in this connection F. W. Maitland: trans. with Introduction of Otto Gierke: *Das deutsche Genossenschaftsrecht* (Berlin, 1868-1914): part of vol. III under title: *Political Theories of the Middle Ages.*—In the *Historische Zeitschrift,* 114 (1915) Moritz Ritter differs from A. Carlyle's view: ("Sources of Mediaeval Political Theory," in *Amer. Histor. Review,* October, 1913) in which Carlyle sets forth a theory akin to that of Figgis, to the effect that the Papacy took over from Byzantium and the antique Empire the notion of oriental absolutism, introduced by Gregory the Great (!). "Gregory's theory," says Ritter, "originated, not from antique Sovereign-worship, but from the Martyrs, and is essentially distinct from the juristic-absolutist doctrine of the legal State."

liberty was too much for Figgis, or he would not have gone so far afield as to trace the despotism of the Tudors and the Stuarts to the Holy See.

The discovery of the fruitfulness of the inductive method—to which we shall allude in the next chapter—was no compensation for that mental dislocation in modern philosophy which assumed doubt to be the only starting-point for knowledge, and then was able to escape from its vicious circle only through healthy intellectual interests and vital instincts, without discovering that fundamental fallacy. The history of modern philosophy led to one bankruptcy of complete skepticism in Hume in the eighteenth century and to another bankruptcy of pessimism in Schopenhauer in the nineteenth as a natural consequence of the fact that European society had allowed itself to be divided by fundamental distrusts and suspicions that were aimed at the very center of its judicial life. And the use that Flacius made of documents built up a tradition that was most powerful in perpetuating that distrust among the northern nations. It was not until the early nineteenth century that this tradition was seriously questioned among Protestant scholars;[6] and the scientific researches of the German scholarship of the *Monumenta* and of von Ranke and his school disposed finally of many falsehoods.

[6] S. R. Maitland, in his series of sketches called *The Dark Ages*, London, 1844, exposed many serious distortions of evidence under the influence of this tradition, even in the more reputable and less prejudiced of Protestant historians up to that time, including Mosheim in Germany and Hallam in England. Maitland held the post of librarian to the Archbishop of Canterbury, and had the title of Dean.

CHAPTER SIX.

Induction and the Comparative Method—Systematic Doubt and Criticism (Bacon and Descartes) 1620-1642.

Under the most favorable material conditions for proving its fruitfulness, a new method was approaching formulation by which such knowledge could be mastered as would most readily give to man mastery and utilization of the material resources around him. Induction was new in the discovery of its manifold application with fruitful results to this end; yet it was a method which Aristotle had employed within the limits of his opportunities; Socrates had used it in his "analysis of instances leading to a definition"; and Bacon himself refers to Plato as being exceptional among the ancients in his approach to the method.[1]

The era of the mariner's compass, of exploration and discovery, of the New World, had begun. The extension of horizon, the enormous commercial possibilities, the variety and exhilaration of new experiences all suggested almost irresistibly to men's minds how widely extended in space and time were things knowable through the senses, and through variety and persistence of experimentation; and not merely knowable but usable. The *orbis terrarum* was not, as it had formerly seemed, a kind of island in the midst of infinities that might be part celestial, part infernal. It was a large and explorable globe. To know this globe and its material resources might not be difficult if one had the right method; and such knowledge promised who knew how much increase in human convenience, comfort and happiness? Of great importance became certain obscure memories of mechanical and chemical experiment associated with the name of Roger Bacon. And at length another Bacon was hailed with joy as having supplied the method. "Induction" as Francis Bacon outlined it, was rather a mechanical process, which assumed that nature had certain fixed and in-

[1] J. M. Mitchell in *Encyc. Brit.*, III, p. 148, note 9.

variable laws that would write themselves on the patient and observing mind that would be passive and receptive enough to receive them. But since Bacon was vigorous and scornful in his condemnation of scholasticism, the humanist world, or at least the English-speaking part of it, soon believed that the new norm of science had been found. There is no doubt, however, that the actual investigators and discoverers were helped by such formulations of Inductive and Empirical method as that of Bacon, because of the hopeful way in which they expected the establishment of laws to follow the patient observation of an infinite number of facts. But at the time empiricism did not satisfy inquiring minds on the continent, and so Descartes began his attempt to base certitude upon universal doubt.

What we see in both Bacon and Descartes is, that criticism, deprived of all its criteria, was desperately seeking new ones. But methods do not in themselves supply criteria. A fruitful way of obtaining certain kinds of knowledge does not afford grounds for erecting it into a standard for all knowledge.

Consideration of the historical criticism of the sixteenth century necessarily involves recognition of its debt to the discovery of the Inductive Method. This method as we have remarked, was far from completely or adequately formulated by Bacon, yet it can hardly be questioned that the main features of that scientific discipline which all scholars as well as all investigators of natural phenomena recognize as a common test of their results, were outlined in the *Novum Organum*. The Inductive or Empirical method really started and starts with the conviction, which experience has supported every step of the investigation, that by the collection and investigation of a great number and variety of facts and the record of innumerable and ingeniously varied experiments, certain important relationships between these facts can be observed and ascertained. Where results correspond so invariably under a great variety of tests, that conviction becomes irresistible, generalizations called laws are established. The method requires an open mind, and great fertility and ingenuity in anticipating possibilities and forming hypotheses, as well as the keenest and most objectively accurate observation.

What is characteristic of this method, in comparison with pre-

vious modes of inquiry, is the great quantity and variety of observations of facts that must be made, in order to produce the most moderate of results and conclusions—moderate when one considers the whole sphere of human intellectual interest and curiosity, yet in the material use that can be made of those conclusions, most fruitfully encouraging on the side of material motive for inquiry. And it is the stimulating character of these motives, together with the remarkable results, that has tended to hide from notice the fact that the method does not supply in itself canons of universal certitude; it only supplies proof—abundant and convincing enough —of a certain relative stability in the qualities of the external world, in the evidence of certain unvaried modes of process and relation that creates the presumption of similarly unvaried laws of wider application still discoverable.

Hence the mind still asks many questions and aspires to knowledges which inductive method cannot promise to supply alone. Nor does it supply any canon by which every kind of knowledge can be tested. Those who erect induction as the exclusive canon for all knowledge, who assert that only those generalizations that meet its exhaustive tests can be called knowledge in any sense, must defend their position, not by inductive but by philosophical arguments, and even then, with more or less contempt for philosophical modes of thought and violence to them. Herbert Spencer could not proceed very far without finding himself confronted with the content of despised metaphysic, which he disposed of by classifying it as unknowable. And in those types of historical criticism which have aspired to be most scientific in the sense of being most scrupulous in the recognition of inductive tests, it has been found just as impossible to suspend judgment until those tests are met. Wattenbach, for example, when he mentions the fact that Frechulf of Lisieux and Notker Balbulus were exceptions to the generality of Carolingian historians in regarding the Western Empire as a new institution instead of a continuance of the old Empire, does not conceal his sympathy for the audacity of the opinion, and his predisposition to prejudge the question from the point of view of modern Teutonism is quite evident. A similar tendency is observable in Hodgkin and Gregorovius when they treat of Charlemagne's reluctance in the year 800 to accept the

Imperial crown, and the attitude of the times toward the conjunction of secular and spiritual power: Gregorovius suppresses an important expression in Charlemagne's definition of the relation of the temporal and the spiritual power in order to maintain the assumption that Charlemagne's sovereignty over Rome was implied in his duty as its defender; and Hodgkin reads into Charlemagne's reluctance to accept the Empire a prevision of "the mischief which would accrue to future generations of a Pope appearing by virtue of his ecclesiastical office to bestow the Imperial crown."[2] However this way of writing history may be characterized, the terms "scientific" or "inductive" cannot be applied to it. Even von Ranke is not free from this tendency, in the very considerations which he adduces for impartial equanimity in the treatment of the history of the Popes[3] by a Protestant historian. The Papal power, he asserts, "no longer exercises any real influence over us; nor does it excite any solicitude in us; the times when we had anything to fear are gone by; we are too fully secure to harbor any misapprehension." He is obliged to allude to events since the first edition of his work which might in the minds of some call this security into question; but his main drift of argument for Protestant impartiality, as he proceeds, seems to suggest that since a survey of the history of Papal power exhibits changes and vicissitudes similar to those to which "various dynasties of a kingdom" are subject, it can be regarded as "a portion of universal history, of the general progress of man." Ranke's viewpoint is clearly an advance in impartiality upon much previous Protestant historiography; yet this passage contains implications that are far short of a scientific, far less an inductive suspense of judgment; the very considerations which prompt the historian to reassure his Protestant readers that his study of Papal history is not likely to suggest doubts of the Protestant repudiation of Papal claims, are considerations determined not by investigation, but by the force of a tradition on the mind of the historian, and by an instinct which impels him, even as a historian, to give account of his

[2] Gregorovius, *Rome*, etc., 465, 478; Hodgkin, *Italy and Her Invaders*, VIII, 202 ff; (Horace K. Mann), *The Lives of the Popes*, II, 11, 19, note 2.

[3] Preface to *History of the Popes* (trans. by Kelly, Phila., 1844, p. vi).

manner of treatment to that tradition. These instances from modern historians are adduced, not so much to show how men with a real desire for impartiality can be influenced by unconscious predispositions, but to illustrate the impossibility of suspending all judgment until inductive tests are strictly met. By reassuring his Protestant readers that their position is still impregnable, Ranke reveals the presumptive judgment with which his investigations had started.

Yet as comparative study, under modern conditions, is ever stimulated to aid or meet if possible inductive tests, it must be conceded that with the discovery of the fruitfulness of induction, history was furnished with a discipline essential to its progress. The human mind, plunged as it was during the era of exploration into a flood of new and various experiences, into a veritable sea of fresh and useful fact, could swim in that sea, intellectually speaking, only by the assiduous comparison of those facts, and by drawing inferences from such comparisons.

At the end of the sixteenth century the humanist world of thought and speculation, since their estrangement from scholastic mental training, felt keenly the need of some basic criterion for knowledge. In England the *Novum Organum* was acclaimed as the new definition of science. But on the continent merely empirical standards of knowledge could not satisfy; the search for truth, to the French mind, must represent a series of logical deductions, beginning with some proposition, either universally accepted, or else warrantable as the inceptive standpoint of a candid seeker for truth. It was Descartes who was hailed by the humanist thought on the continent as the true modern Philosopher. Standing at a point of universal doubt, he seemed to discover certitude, and his dramatic emergence, to discover the reality of self, the world and God, made an immediate appeal to the speculative imagination.

It is this starting-point of universal doubt that is most significant to our study. Bacon shared it with Descartes. Both these thinkers began by an attempt to sweep the mind clear of every prepossession and predilection. In theory at least, all was erased, to eliminate the interference of tradition or inheritance or rumor or interest, the "idols" of the "forum," of the "cave," of the "tribe" or of the "theater." Knowledge was to be begun *de novo,* in the isolated and independent mind of the individual. With

Bacon, the mind was to become a sensitive plate on which Nature was supposed to be only too ready to write her laws, if there were perseverance in the exposure. With Descartes, the mind was to be a bottomless pool of incertitude, out of which, by an ascending series of inferences, the reality of self, the world, and God could, he hoped, be mathematically proved.

What had created this strange demand for a mind swept clean of all ideas, for an impartiality so unearthly that it was fit only for the limbo of idiots? And what made them imagine that out of it, knowledge not only could, but must arise? There can be only one answer to this. The whole character of the feverish curiosity of the Renaissance, followed by the Reformation upheaval, complicated by the national consolidations in England and the Netherlands after the brief meteoric career of Spanish imperialism, and in France the hard-won defeat of the desperate attempt to capture her for the Reformation—all this with the lure of wealth beyond the seas, had had a curious effect upon the most active intellects of secular Europe. Forces, passions and organized interests had become so dominant, that impartial judgment had become an unimaginable thing for men to dream about. The habit of regarding the power of the Papacy, not as a judicial function to be kept immune from interference and external control, but as an organized interest to be curbed and subordinated if possible to the aims of national monarchies, or else to be contested against as a supreme menace, had gone far toward undermining all belief in the disinterested justice of any institution whatever, in the very existence of justice as a concrete power among men. If nations rallied to the support of the Tudors, to the house of Valois, to Philip in Spain or to William the Silent in the Netherlands, it was not because they hoped for a rule of justice from these kings, but because the latter supplied strong leadership for predominant interests in the various nations, and these interests were very largely commercial, or if not strictly commercial, were at least concerned with the possession of what was believed to be the means of wealth and power. Religious zeal or fanaticism played an important part, but this struggle had become so bitter that among many Catholics there was almost as little association of their cause with that of distributive justice in any sense, as among Protestants.

Yet these struggles did not destroy the conscious sense of the

need of judiciousness and impartiality; rather, as the sixteenth century drew to a close, there were unmistakable signs of this aspiration. Richard Hooker, in Elizabethan England, is a rather solitary but significant example of a mind that in the midst of restless and abusive controversy was able to settle and calm itself by a study of St. Augustine and of St. Thomas Aquinas, and though all his conclusions are determined, so far as the religious issues of the time are concerned, by the Protestant interests that during his lifetime (1553-1600) in the minds of his generation had come to be identified with national patriotism, yet when he dwells on ultimate principles in connections not directly influenced by this bias, Hooker shows a real intellectual kinship with scholastic thought at its best. By his methodical return to ultimate principles, and his philosophic approach, he earned indeed the distinguishing title of "the Judicious." Under the conditions Hooker's conclusions were feeble compared with the strong grasp which his detachment and his reading enabled him to retain, of basic principles in his premises. Hence he was disappointing to the later High Churchmen who were occupied in constructing Anglican ecclesiology in the seventeenth century, just as he had been unable to convince or conciliate the Puritans; and it was only after Anglican issues shifted to the questions raised by the Oxford movement that Hooker's positions were found of interest to the moderate Low Churchman. In this connection he deserves the credit of positing certain Thomistic principles under intensely Protestant-national conditions, though he tried to use these principles in rather lamely supporting the Tudor ecclesiology.

But the characteristically "lay mind" of the latter sixteenth century was far from being in a mood for any scholastic type of judiciousness, no matter what secular regimes they might try to support. More congenial to the man of the world, whether Protestant or Catholic, was the easy, balanced mental play over all subjects of Montaigne, with his ever-suggested question *que sais-je?*[4] Independent of the question whether Montaigne's open-minded balance of attitude represents fundamental skepticism, or whether

[4] Shakespeare's autograph copy of Florio's translation of Montaigne is one of the important documents of those who seek traces of influences on the inner life of the poet, and on the psychology of *Hamlet*.

it veiled with an urbane reserve deep Catholic conviction, as Maurice Egan held,[5] it is certain that Montaigne reflected the vague, but growing demand for what later came to be called Toleration. How undefined this aspiration was, and still is, varying from tendency to condemn all religious conviction as offence against "Tolerance" to an honest desire of believers in opposed beliefs to find a charitable *modus vivendi* with each other, must be especially stressed in view of the late sixteenth century situation. It was then being recognized that the religious cleavage in European society, and the perilous contests for supremacy among large national units, was a situation which must be accepted and reckoned with, if not as a permanent state of affairs, at least as one the end of which was not in sight. To all intents and purposes the withdrawal of that universal assent to institutional arbitration in both religious and political matters which had been assumed in Catholic society for a thousand years, must be taken as a *fait accompli*. This recognition profoundly influenced all thought, not merely thought about government, about Church and churches, or about law, but even philosophy and metaphysics. It made the concept of disinterestedness and impartiality of judgment at once intensely *desirable*, and yet utterly *unreal*, disconnected from fact and experience. Certainly, then, we have something that explains that attempt to reconstruct all knowledge upon a *tabula rasa*, upon a mental vacuum. There was no prototype to this in the Socratic revolution of philosophy in Athens. Socrates did not begin with a mental vacuum, but with the common notions and traditions of right social relationship and common good which he found current, and which he analyzed in social discussion. But the *tabula rasa*, treated as the beginning of all philosophy and criticism, was not only sterile even as Bacon and Descartes used it (for the fruitfulness of inductive discovery since their time, and of the mathematical sciences has been due, not to fundamental doubt, but to the active use of hypothesis, of stimulative interests, and of inherited stores of mental discipline which practically disregarded the negative basis of these philosophies) but, because its sterility was disguised by a seeming fruitfulness that was due to its virtual though concealed abandonment by the thinkers them-

[5] *Recollections of a Happy Life*, New York, 1924.

selves before they could proceed in their thought, it cropped up repeatedly in later thought, with a blighting influence which was fully exposed by Hume in Great Britain long before its darker horrors were probed by Schopenhauer in Germany.

When we have laid the finger on this curious fiction of a mind swept clean of all prepossessions and predilections, we have touched only one symptom or plague-spot of the disease that has infected, the hallucination that has haunted all modern criticism, and has arrested and distorted its growth repeatedly. In spite of it, criticism from humanism onward has had a history of growth, one aspect of which we are considering. But unless we keep clearly in mind this hindrance and infection of the idea of universal doubt as the starting point of impartial judgment, only confusion will attend our attempt to trace such histories. And this infection, this hindrance, this hallucination about judgment which tended to regard its mental equilibrium in a wholly negative, unreal and unpsychological light, cannot be explained apart from the whole historic setting of the times—especially from the bitter and intellect-distorting attacks made upon the only institution upon earth that could in any universal sense represent Judgment. Flacius the Illyrian, believing as he did in the total corruption of human nature, inheriting the attitude of Priscillian, of Gottschalk and Ratramn, of Waldo, perhaps of Manes himself, toward all institutions, especially such as could be reconciled in any degree with Christian civilization, had amassed and arranged all possible material that might support his thesis that after the Ascension of our Lord a Satanic "providence" had created the Catholic Church and had guided and controlled all Christian civilization ever since. A work like this, with its selections and interpretations controlled by such a purpose, might serve as an arsenal to many who did not share the full animus and the extremity of his view; but the deep distrust and the undermining of all confidence in human relations which such a work could and did in the long run suggest to men's minds was an important element in substituting the negative norms of cynical skepticism for the positive methods of criticism. If Flacius saved the Reformation, the thing he saved may well be estimated in the light of that self-consistent theory of human nature which simplified his procedure and concentrated his energy in saving it. It was not really "history" that was the foundation

of the doctrines of Flacius and Calvin; it was dogma that counted, and that determined and shaped the Flacian "history" as well as the Calvinistic sociology. The bodkin with which the Ripuarian barbarians pierced the parchments in the ninth-century courts was far less destructive than the *culter Flacianus,* with which documents were torn from their whole setting to prove that for the whole era of Redemption, Judgment had "fled to brutish beasts" and that "men had lost their reason," or rather, that judgment and reason were impossible.

Before passing to Cardinal Baronius and the critical defence of civilization in the seventeenth century in its laic and in its monastic forms, a few more of the non-polemic source-publications in the sixteenth century may be mentioned and one instance cited illustrating the effect in arresting critical development in Catholic scholarship, of the attack upon the Church in its early stage. The first edition of the *Volksrechten* was published in 1529 in Basle by Johann Sichardus, who also dedicated to Albert of Brandenburg an edition of the Chronicles of St. Jerome (the continuation of the Chronicon of Eusebius), Prosper, Cassiodorus, and Hermanus Contractus. In 1551, Melancthon's publisher, Heerwagen, ventured a collection of Prosper, Agathias, the *Romana* of Jordanes (for the first time), and other works, the manuscripts of which came from Peutinger's collection. Heerwagen was long mistakenly supposed to have been the first publisher of German sources. In 1552 Martin Frecht of Tübingen published a collection, containing Widukind, Einhard, Liudprand, and the life of Henry IV. The Wechel firm published a whole series of this kind. Wattenbach says that these collections were treated with scholarship equal to that bestowed upon the old classics, but that later achievements lagged far behind these first-fruits of the German renaissance. He praises the keen criticism and comprehensive research of Flacius, and mentions as important the supplement to the *Magdeburg Centuries,* the "epoch-making success" of Flacius and his collaborators, the *Catalogus testium veritatis,* in which Flacius outlines the principles of his method while revealing at the same time the virulence of his all-controlling motive. That Flacius had a kind of warped sincerity and zeal for truth is generally admitted by Catholics, and furthermore, that his acuteness in criticism, not only in his contribution toward the exposure of mediaeval forgery but in method

of scrutiny, constituted at least a landmark, if only "a sunken landmark, in the field of historical literature," and "the stimulus of Baronius' genius."[6] His criticism is "limited by the demands of anti-Roman controversy" and he is ready to credit any enormity rumored against a Pope. This period was not free of hoaxes and forgeries. We have mentioned Trithemius, "whose laughable Larvae were seen through even by the Count of Neuenar," and other deceits are said to have been practiced by Annius of Viterbo and George Rüxner.

The instance of arrest of critical development to which we referred on page 80 is connected with the eve of the Reformation outbreak and with the name of Johann Reuchlin (1455-1522) called the "Phoenix of Germany" on account of the brilliance and versatility of his learning. It is of additional interest because of its connection with the origin of the epithet "obscurantism," which is still one of the not infrequent amenities which are often directly or indirectly accorded Catholic scholars by their opponents. A baptized Jew called Pfefferkorn, in misdirected zeal against his own antecedents, obtained a decree from the Kaiser suppressing Hebrew works, on the ground that the Talmud was an insult to Christianity. Reuchlin, asked his opinion, disapproved the decree on grounds of scholarship and law. A sharp controversy followed, theologians at Cologne agreed with Pfefferkorn, but the Bishop of Spires adjudicated the case in favor of Reuchlin. Hochstraten, one of the Cologne scholars, however, appealed to Rome. The case was postponed in 1516. Meanwhile, the storm of the Lutheran movement began to gather, and in order that the issue might not be complicated further, Reuchlin was commanded to be silent on the matter, and to pay costs of the case. This implied no final decision in the matter, but while Reuchlin himself submitted to the Papal bidding, his followers had been taking up the cudgels in a satirical attack upon his opponents, whom they called the "obscuri viri," while they themselves claimed to be the "clari viri." A clever but ill-natured burlesque of which von Hütten was one of the authors lampooned the alleged stupidity, pedantry and antiquated methods of the "obscurantists," signalized the victory of the Humanists, and the feud easily merged into the

[6] J. B. Peterson, in *Cath. Encyc.* II, p. 305.

Lutheran controversy, and indeed had aided in fomenting it. While the anti-Hebraists, whose rôle quickly became defensive, cannot be said to have shone forth as martyrs to truth in any sense, the tone of the "clari viri" could hardly be described, except by themselves, as one of sweetness and light. Reuchlin himself, to his honor, contributed nothing to this later phase of the feud, and remained faithful in spirit and letter to the decision of the Church.

According to George Haven Putnam,[7] Reuchlin's view of the matter was ultimately vindicated through a Papal decision confirming that made by the Bishop of Spires. He had continued undisturbed to teach Hebrew at Tübingen; and in 1520 in Stuttgart he published the first Hebrew dictionary issued in Germany. Though the brawling of the "clari viri" may have delayed this decision, it did not succeed in driving the Church into the apparent position of favoring the "obscuri." Thus on the very eve of the Reformation revolt against the supreme Judiciary of the Middle Ages, we have an instance which reveals the contrast between the quality of its decisions on cultural issues, and the spirit that was seeking to discredit and defy that tribunal.

[7] *Books and their Makers during the Middle Ages*, New York and London 1897; II, p. 203. Also on the "clari-obscuri" controversy. Klemens Löffler, art. "Humanism," *Cath. Encyc.*, VII, p. 541.

CHAPTER SEVEN.

Antecedents of the German Aufklarung: (I) Critical Defense and Re-Valuation of Cultural Inheritances in Italy and France, 1558-1750.

From the noise of the taunts of the "clari viri," and the deprecations of their discomfited obscurantist foes; from the acrid smoke of the documentary petards composed at Madgeburg for the blasting of the Rock of Peter, we now pass into a quite different atmosphere—the kitchen of a quiet community-house in that same Rome upon which the fury of the north had been concentrated. Here a great Church historian was obliged to label himself "Perpetual Cook," since his beloved superior, St. Philip Neri who had given him the task of writing the history of the Church, was determined that his Cesare should not lose his soul for lack of perpetual and mortifying distractions in the accomplishment of his task. As has been finely said of this spiritual preparation of Caesar Baronius for his work: "It would almost seem as if Philip made his disciple live the life of the Church Militant herself in his own soul before he was permitted to write her history. . . . However, he attained his double object, and the results were marvellous in both the book and the writer."[1] Probably few, if any, of the mediaeval historians had had that particular kind of task set for them with such extreme earnestness and exactitude of discipline, with so special a vigilance against the powers of evil. In the very conditions prescribed for Baronius in his work, we see reflected the new situation of the Church, her own children arrayed against her and breathing slander and hatred.

Though the plan of Baronius' *Annals,* through the exigencies of controversy, followed the general plan of the adverse collection of Flacius, countering one after the other of the Magdeburg "centuries" with genuine evidence of the history of the Papacy from

[1] Thomas Plassmann, O. F. M.: *Baronius* in the symposium *Church Historians,* New York, 1926 (Peter Guilday, ed.).

documents long preserved in the Vatican archives—yet the historiography of Baronius is essentially a continuation, with significant developments, of the mediaeval tradition of research and criticism. We hasten to add that thereby he vindicated that tradition, proving that it not only contained those elementary principles of critical method which Lasch and Ellinger, as well as their master Bresslau have explicitly or by inference recognized, but that that tradition, as represented in Baronius, owes less to the stimulus of hostile attack for its advances on the past, than to a legitimate extension and fresh application of inherent potentialities. Yet, stimulus from the Manichaean attack should not be underestimated. Progress in criticism under mediaeval conditions had been extremely slow, and of a more sporadic and less vigorous character than that which was later made possible by the spur of open and bitter attack. Human inertia is such a deep-seated fault that some times it seems as though nothing short of violence can cure it. But insofar as that inertia existed among the mediaeval scholars, it is this, and not a supposed inherent vice in the tradition itself, that should be blamed.

By command of St. Philip, Baronius went through his course of historical preparatory instruction not once, but seven times, covering the same ground. His mind became so habituated to self-criticism, that the correction of an error or lapse in his work was a positive pleasure to him. This transparent honesty and devotion to truth was recognized by opponents like Paolo Sarpi, who once wrote to Casaubon requesting him to write against Baronius, but warning him never to charge or suspect him of bad faith, for no one who knew him could accuse him of disloyalty to truth.[2] Casaubon himself, that rather pathetic figure in Protestant scholarship in the early seventeenth century, buffeted by coarse nationalism and ever summoned to polysyllabic interviews with the royal pedant James I when all he desired was quiet in which to pursue his studies—called Baronius "that giant." The very spirit of Baronius seemed to inspire his enemies with some anticipations of the idea of tolerance, at a time when the air was filled with learned Billingsgate.

It is Baronius' care and accuracy about chronology that con-

[2] *Encyc. Brit.*, III, p. 424.

spicuously bears the mark of the tradition of Ekkehard von Aura and Otto von Freising. The scheme of the "Centuries" and of his own *Annals* gave him special occasion for this. In his scrutiny of sources he rejected the letter of Christ to Agabus, which Flacius retained, and readily conceded the falsity of the Donation of Constantine, as we have seen. If he defended the False Decretals, Plassmann reminds us that Flacius had not fully demonstrated their spuriousness, and Blondel's more complete demonstration was not made until twenty-one years after Baronius' death. If the reverent feeling of Baronius kept him from rejecting much that had been long accepted until its falsity had been conclusively proved; if, in thus carrying on the mediaeval tradition of scholarship, he was prevented from ferreting out errors which a less reverent and more curiously inquisitive mind might have more readily discovered, and if, consequently, Fueter's charge that Baronius made little or no advance on the humanist criticism should have any show of justice, at least he held the ground of all the critical advance that had been solidly made up to that time, and did not fall back of it. And to hold ground is just as much service to progress as to seem to gain it, if the possibility of losing ground is admitted. The fact that he not only held ground, but gained it, would seem to be indicated by the greater reliability attributed to his source-collection by subsequent scholarship, in comparison with the *Centuries of Magdeburg*.

In Germany, as works parallel to those of Baronius and in defense of the Church may be mentioned Henry Canisius, nephew of the recently canonized St. Peter Canisius; Sirmond, Tengnagel, Gretser, who are recognized by Wattenbach as having put forth good editions of newly-discovered sources which were of special value. In this connection Wattenbach in general admits the new power won by the Catholic Church in the scientific field, though he seems to value Baronius' work principally on account of his advantages in the use of the Vatican archives.

Although we are directly concerned with the criticism and collection of sources in this study, we are bound to give weight here to two cultural developments associated with France and Italy, both of which had an important influence in the formation of historical perspectives which indirectly but powerfully influenced historic research in the early nineteenth century. These perspectives supplied

powerful stimulus to that genetic and developmental type of inquiry which determined the character, method and aim of the historical source-criticism with which we are concerned. Both these lines of cultural interest were concerned with the revaluation of institutions and traditions which had been so furiously attacked in the upheaval of the sixteenth century; and in this way they contribute evidence of the fact that criticism cannot be exclusively associated with attacks upon established and accepted standards, but that its essence is positive rather than negative; that while criticism falls short of its function seriously if it fails to attack the sheer inertia of custom and prejudice, it entails even more serious interferences with the advance of knowledge insofar as there is failure to defend and appraise values that are in danger of destruction and dissipation. In our next chapter we shall see how clearly this is illustrated in the discussions that called forth the achievement of Mabillon in laying the foundation of the historical sciences. Here our object is to give some indication of the significance of French Classicism as a revaluation of civilized institutions and as supplying the occasion for modern interpretations of the idea of human progress; and of the contrasted but in many respects supplementary and corrective cultural valuations of Italian Romanticism, as well as of the fusion of the two points of view in the thought of the German period called the Aufklärung.

We have mentioned that curious demand for an unreal impartiality which becomes noticeable in the philosophical thought of the later sixteenth century, and which in Descartes and Bacon especially was met by the concept of a starting-point for inquiry which we have described as the *tabula rasa,* a term which later came into use through Locke. This idea found partial expression in the party of the "Politicians," who were popularly represented as indifferent to religion, since they tended to regard religion as "of the *bene esse* of the state, though circumstances had led them to inquire whether it was of the *esse*. . . . The half loaf of toleration was better than the famine of anarchy," according to thinkers like Pasquier and Bodin.[3] It was the vogue of this idea (which is not hard to connect with the earlier state-theories of Macchiavelli, and with

[3] See *Cambridge Mod. Hist.*, III, p. 753.

later conceptions of the modern state and its attitude toward religion which have had wide acceptance), which made possible the Edict of Nantes, a measure in which the Gallican historiographer De Thou (Thuanus) was largely influential. Even that edict contained many restrictions on Protestant liberty; and the persistent and general demand for its repeal which began two years after (1600) calls to mind the fact that France, and England as well, had to deal with a Protestantism that was more than a racial-economic-religious revolt, and which had a thorough politico-social program. Thus the ideal of toleration clearly existed, but existed then under conditions which proved impossible of application, on account of the systematic revolution contemplated by Calvinism. Political and social indifference to the Geneva program was impossible; it had to be accepted and submitted to, from its root doctrines of Divine reprobation and human total depravity, to its joint government of communities by joint Soviets of ministers and magistrates; or, if it was not to be so accepted, there was no other standing-ground for resistance to it than that afforded by strong monarchical government re-enforced by more conservative religious establishment. The early decision of France (for it can scarcely be denied that national sentiment was what was decisive in determining the trend of Henry IV's later policy), to stand on the basis of strong government, established religion, and government control of national commerce, and to exclude the whole Geneva program, confirmed England under the Stuarts in maintaining a similar stand against the Puritan aggression, and to attempt to formulate doctrines to oppose it. Theories of Divine Right of Kings went hand in hand with formulations of nationalist ecclesiology in both countries, Gallican and Anglican. The practical necessity of dogma was now increasingly felt in the political and social sphere, after the various attempts to soften down religious dogmatic differences under Elizabeth and Henry IV.

This realization of the need for regulative and normative principles for the defense of civilized institutions, goes far in explaining the prevalence of the neo-Classical standards of culture which originated in the latter part of the seventeenth century and continued throughout the eighteenth century, modified in many respects and opposed sometimes as it was by various modes of Roman-

ticist influence. The ambition of Richelieu and Mazarin had succeeded in making France under her monarchy a compact and well-knit center of European civilization, thanks to clever manipulation of the divided condition of Germany. Consciousness of this power contributed to the formation of a type of culture which combined with reminiscences of the Augustan Age in antique Rome, certain mediaeval traditions, such as the recognition of Aristotelian modes of thought as authoritative—a tradition which had national associations, seeing that it had been at the University of Paris that Aristotle had had his most remarkable re-valuation by St. Thomas Aquinas. The mediaeval traditions, connected chiefly with the Catholic faith of France, were retained, but with a distinct consciousness that a higher form of culture had been reached, and that the Middle Ages were an age of comparative barbarism, in spite of the important contributions made by France to mediaeval culture. Even Bossuet's view of mediaeval conditions was less sympathetic, and his estimate of the case of the Protestant reformers against the Church less severe, in his *History of the Variations,* than later Catholic apologetic, with better knowledge of the facts involved, has regarded warrantable.[4] The Bourbon culture in general assumed itself to be continuous with the Catholic past, and yet felt itself in a sense detached from much in that past and superior to it. This detachment may have been partly due to a reliance on force, to the exclusion of rights and ideas, which is traceable in the French monarchy since Philip the Fair and Avignon, and which, as Stubbs

[4] Published 1688. In spite of what Balmes (*European Civilization*, Baltimore, 1873) regards as weakness in this part of Bossuet's apologetic, the *Histoire des Variations des Églises Protestantes* is said by St. Cyr (*Encyc. Brit.* IV, p. 289) to have pulverized his opponents, and to have been instrumental in the shifting of the ground of Protestant apologetic to defense of "variations" and deprecation of fixed doctrines, a position which Leibnitz seems to have taken in his conferences with Bossuet when he refused to guarantee for his co-religionists that what they believed today they would believe tomorrow. There was also an aggressive side to this Protestant apologetic; for it not only admitted the mutability of Protestant beliefs, but it attempted to show that Catholicism was also mutable, so as to soften the contrast. The position taken by the Gallicans made it difficult for men like Bossuet to defend the Church against this imputation.

says, was especially characteristic of Valois and Bourbon policy.[5] It was a monarchy that had no claim in law to imperial dignity, and yet it had at times achieved marked success in its ambition to occupy a position of virtually imperial power, and never more conspicuously than in the reign of Louis XIV. This consciousness of being under a regime built on force and fact rather than upon legal right or solemn privilege would naturally color the French view of the mediaeval past with a pragnatic impatience toward the mediaeval ideal of a natural " law of nations " by which all positive law or effective government could be judged. Yet no matter how many national privileges Gallicanism might obtain from the Holy See, France was still organically bound to the Catholic Church, and must necessarily depend on loyal Catholic instruction for her religious education. A thorough-going pragmatism in national affairs was impossible, and even on the secular side, social standards and doctrines were necessary for the preservation of the national and institutional system of a nation that had made itself a place as arbiter of European affairs.

France, then, from the very beginning of the seventeenth century, from the very beginning of the movement for the revocation of the edict of Nantes stood out as the special champion of European civilization against the Calvinistic revolution. Huguenot gains in France had been marked by such destructiveness to the monuments of religious art and architecture, that the revolutionary aim of Calvinism had been felt there sooner than most other nations, and was more quickly appraised as such. Calvinism has often been interpreted on its political side by later representatives of its religious tenets, as standing for independence of Church in relation to State. However this may have been the case in Scotland, there is no question about Calvin's aim to place the Church, as he conceived it, in a position of power at least as great as that exercised by the papacy in the Middle Ages. Geneva intended to make the Reformation prevail by reconstructing European society in a complete, coherent system from top to bottom. Its power over men's minds was, like the force of Flacius' " history," drawn from doctrine—the doctrine of Predestination, total depravity, and irresis-

[5] Stubbs: *Seventeen Lectures*, pp. 336 ff.

tible grace.[6] Now it was just this system and this doctrine which all west-European governments, whether Protestant or Catholic, one after another decisively refused to adopt, whenever the issue was put squarely before them. The Protestant governments preferred to sacrifice logic, and to build upon varying compromises between the new beliefs and the later national devolpments from the mediaeval political and legal system. France lost little time in accepting the logical alternative, and excluding the whole Calvinist scheme from her borders, though she had no objection to allying herself with Protestant causes in her foreign policy. In Germany, Calvinism never pressed her distinctive social program of revolution, but was content to rival Lutheranism and to take on some of the latter's conservative aspects, later almost forgetting Calvin. The Empire, re-enforced by a new religious zeal, attempted to recover ground for the Church, but was brought to the compromise of Westphalia by the French-Protestant alliances in 1648, while the struggle for the Calvinistic revolution, defeated everywhere else, even in Holland (where religion took on a Germanic type of conservatism or was being liberalized by Arminian influence), was approaching its great crisis in England, where for once two logical doctrines confronted each other—predestinarianism and the Divine Right of Kings. But Cromwell arose to save England from the perils of logical thinking, until the Restoration brought back some remote danger of it in a Crypto-Catholic and a Catholic king. Then the glorious Revolution of 1688 buried logic with due honors till it came to life again more than a century later in John Henry Newman and "Ideal" Ward.[7]

Thus, in the seventeenth century, the French monarchy and the French court came to be regarded as the principal center of Europe, largely because France seemed to have solved the problem of na-

[6] G. K. Chesterton, in his *Short History of England* (New York 1917) pp. 197 ff., with the cogency of a thinker with Scottish ancestry, stated this revolutionary and theocratic aim of Calvinism, and aids in clarifying the prevalent confusion so often introduced into the subject by historical panegyrists of the Puritans as the alleged pioneers of toleration and liberalism.

[7] On the merciless logic of W. G. Ward, and its effect on Clough, Newman, and others, see Vol. I of his Life by his son, Wilfrid Ward (London, 1893).

tional compactness and unity, and was therefore in a position of vantage to establish standards of civilized and cultured life which few for half a century after the age of Louis XIV were disposed to contest, though from Italy, as we shall see, proceeded influences that modified these standards, and from England as well. Charles II of England, and the many petty German princes modeled themselves upon the Grand Monarque and his *entourage*. A new, externally constructive era had set in. Renaissance extravagance, Reformation fanaticism, were rejected. Polite living, graceful social intercourse, a code of manners and rule of conduct based on good sense, a style of conversation, dignified, yet softened with grace and enlivened with wit, and with a fine, unobstrusive humor—these were the ideals that we see mirrored in the comedies of Molière. Above all, mastery, control, moderation, *bon gout,* without hardness or rigor, were to be expressed in literature and art. Passions, energy, sentiment were to be exhibited under the control of reason by adaptation of means to ends, and the means and the ends must have a certain dignity and distinction. It was called the Classical ideal, and like the humanist and the mediaeval spirit, it respected antiquity, selecting, however, from the antique aspects of life and thought the idea of the Golden Mean as the regulating concept. It assumed, as a matter of course, social classes and distinctions, and as its center was a court of great magnificence, it contemplated only persons of leisure and of at least gentle if not noble inheritance. The outlines of its art were not cold and severe, its style was not statuesque; there was a touch even of the grotesque and playful in the scroll-curves of its baroque panels, and in the lavish ribbonings and folds of its sculptured or rococo decorations. In the Churches there is a suggestion of vivacity in the agitated robes of the most austere Apostle-statues, and when we analyze this impression of combined daintiness and animation, verging on preciosity, we realize that into the Classical period there had entered another influence from Italy which it is not too soon to call Romanticism; but the very ornateness, the animation and the playfulness only veils the underlying thought of Man as the master of his world, of civilization enthroned. Something even of the secular spirit reveals itself, as though presuming a little on the toleration of Mother Church.

Around the Bourbon court, then, there were critics who laid down rules, in accordance with this normative idea of the control of reason. There survived in Italy, Spain and Germany certain fantastic mannerisms in literature which were respectively called Marinism, Gongorism, or *Schwulz*—in England, Euphuism. These were severely castigated by the French critics. Aristotle's rules of the "unities" were maintained for the Drama, and by them, Shakespeare was condemned. The term "Gothic" came to be applied in the sense of "barbaric" to the lofty pointed arches in the minsters that had once been the glory of France. And yet the French classical spirit was not pagan. The Bourbon age believed itself to be the consummation of Christian civilization.

Bossuet, the "Eagle of Meaux," was the court preacher, and the instructor of the Dauphin. His influence in the example of his style, as in his precepts, was felt in the forming of the standards of Classical criticism. It was his distinction to have presented the most complete and imposing of post-Mediaeval presentations of the Augustinian type of Universal History with the antithesis between the "two cities" considerably softened. It was not very long after his time that the general plan of that survey of History, with its implicit idea of mankind under the operation of a universal law, and of human progress in successive stages, was to be used and applied in quite a different way than Bossuet had contemplated. To tell of that, we must first refer to the controversy called the *Quarrel of the Ancients and the Moderns.*

The importance of the *Querelle des Anciens et des Modernes* consists in the fact that in that controversy emerged in its earliest current form the idea of "Progress" in its modern sense. Those who argued for the "modern" were arguing for more self-confidence in following the opportunities and the interests of the present in art and literature, and less tendency to look to the past for models. To support this, they based their arguments largely on an *a priori* theory that later generations have in them all that deserves to survive from the past, with the capacity for improving and advancing on it. They accepted the Cartesian doctrine of immutable and invariable natural law, and assumed that according to such law there could be no such thing as loss or retrogression; time was bound to bring gain with it in human affairs. It was characteristic of the

common assumptions of the age, that the more conservative Classicists advanced the objection that the Middle Ages were a period of barbarous retrogression, and that this was recognized by the "Moderns" as a real difficulty. But this was surmounted by a further assumption that in the Middle Ages there was a real hidden progress, like that of an underground stream. The general result of this controversy was, although the Classicists had not denied the fact of progress but had regarded it as conditional upon care in the preservation of cultural heritage, they were overborne by the optimistic generalizations of the Moderns, and by the appeal of order, regularity and ultimate plan which was presented by the "Modern" concept of Nature. It seemed so consistently Classic! As a matter of fact, it was a concept of Universal History whose idea of Progress was borrowed from the Augustinian tradition, but interpreted in a Pelagian sense, by making progress an inherent and necessary attribute of human nature, just as Pelagius had once defined the Grace of God as something ineradicably planted in human nature at creation.[8] This conception of progress gained a general currency, was generally assumed in the writings of the Enlightenment *philosophes,* and is still influential. F. J. Teggart has traced the beginnings of the current acceptances of this idea of Progress, and its influence on historical conceptions, not at first directly, but through eighteenth century studies of the changes and varieties of civilized institutions, of which Montesquieu's *Spirit of Laws* is one of the most important examples. It is in Turgot that the relation of this idea to the Augustinian tradition, both in derivation and contrast, is most clearly illustrated, for Turgot[9] cast his idea in the shape of a re-writing of Bossuet's universal history, and instead of the sequences of Adam, Noah, Abraham, Moses, the capture of Troy, etc., and the succession of Divine dispensation and empires, were substituted the epochs of the hunting stage, pastoral life, rise of agriculture, introduction of government, etc. . . . Teggart analyzes the eighteenth-century concept of Progress as built on the dogmas (1) that advancement in knowledge is natural, necessary,

[8] *Gratia creationis,* an expression used by Pelagius in the oriental council of Diospolis (St. Augustine, PL, xxxiii, 779).

[9] *Oeuvres:* (ed. Gustave Schelle), tom. 1. Paris, 1913 (F. J. Teggart: *The Theory of History.* Yale Univ. Press, New Haven, 1925, pp. 74 ff.).

certain and endless; (2) that it proceeds insensibly and gradually; (3) that it advances irresistibly toward perfection. Teggart's criticism is mainly directed against these dogmas because they presuppose nature to be an ordered, teleological plan, like their orthodox prototype; a criticism which is of interest as an example of the tendency to search for some negative and unreal standpoint of judgment, from which all idea of purpose or plan, either subjective or objective, is banished. The influence of Leibnitz, as Teggart notes, was to apply this teleology to the individual thing, the atom or the monad or the personality in the doctrine: "Each created being is pregnant with its future state, and . . . naturally follows a certain course, if nothing hinders it." And here we may discern one of the points of fruitful contact between the Classical conception of Nature as the mastery of law, proceeding in its slow, dignified march, and the Romantic idea of an inward and hidden potency, seeking individual self-realization, emancipation, victory over "hindrances."

It was in the thought of the German Aufklärung of the later eighteenth century, that the French conception of the uniformity of nature, of the irresistible advance of knowledge, and of a rational external civilized order in human affairs, was fused with the more Romantic idea of inner potentiality striving for self-realization. This fusion seems to be the ground for the dominance of the idea of the "education of mankind," outlined by Lessing as the key to universal history, and of the power of Herder's subjective contagion of inspiration, as of Goethe's ideal of self-culture. But it is especially reflected in the views of the German historians of the period. In particular, it is seen in the theory of Jacob Daniel Wegelin (1728-82).[10] In Wegelin's view, historical phenomena are to be understood in the light of two general facts: as Leibnitz said that "no two things in the world are quite alike," so no two historical events are quite alike. This consideration, which Flint condemns as "a poor and barren affirmation," should at least be suggestive in inspiring most accurate study of evidence in specific events, avoiding unwarranted carrying over into them of inferences drawn from other happenings. The other law Wegelin adduces is that of Con-

[10] Robert Flint: *Philosophy of History in Europe* (Germany). I, p. 450.

tinuity, in which all historical phenomena are to be conceived as interconnected in causal and vital relations. This concept is a more organic and less purely mechanical extension of the philosophies of natural uniformity and brings us close to the historical ideas of the nineteenth century. The whole current of Aufklärung thought is dominated by the idea of organic development, of evolution, much more clearly than the corresponding generalizations of the French thinkers. Diderot, chiefly, of the Encyclopedists, shared this sense for the multiform variety of human phenomena which is seen in Iselin's, Wegelin's and Schlözer's theories of universal history. These generalizations, in their optimism, in their view of a universal destiny toward which the race was moving, whether through implanted principles of life or through mechanical operation of law, gave keen stimulation to all scientific and artistic enterprise. Insofar as the theories contained unsound elements, they would lead to disillusion and reaction. The acute mind of Voltaire, for instance, could not accept any theory of discernible plan or purpose in human affairs, taking his Deism rather on faith than on evidence, and ironically recognizing the apparently wide sway of "sa Majesté Le Hasard." With the Germans, the unaccountable element in life was rather referred to the idea that man's destiny was implanted within himself, and that by faith in some native interior potency he must solve the riddles of life.

The Romantic element which in Germany combined with the French optimistic notion of natural uniformity and inevitable progress, has in part been traced in some important aspects to Italian influence, particularly to men like Gravina, Maffei, Vico, and Muratori, this influence being mediated through a writer named Calepio to German discussion by the Swiss scholars Bodmer and Breitinger.[11] That Italy should have become a source of influences so clearly distinguishable from the objective spirit that in the main characterized Italian humanism, becomes clear when we remember the Battle of Lepanto, and how Italy in peril of Moslem invasion was compelled to muster deeper elements in her spirit of national resistance than mere Renaissance civic patriotism could supply. Europe farther west could afford to laugh with Cervantes at Don

[11] J. G. Robinson: *The Genesis of Romantic Theory*, Cambridge, 1923.

Quixote, but in Italy the genius of Tasso and Ariosto, and their celebration of the chivalry of the Christian ages, could not be forgotten or belittled. After the excesses of the Renaissance, under stress of northern hostility and violence and of the Levantine peril, the labors and mortifications of saints like Philip Neri, Charles Borromeo and Aloysius bore fruit, and the thought and literature of Italy before the early eighteenth century had become definitely Christian—its philosophy, indeed, more Platonic rather than Thomist, but in its general view of life and the arts, recognizing the spiritual principles which secular interest must respect.

Romanticism is a hard thing to describe or define, as its essence seems to be, not normative or regulative, like Classicism, but inspirational. It has a pre-Christian as well as a Christian background, and its intellectual affinities lean toward Platonic or neo-Platonic modes of thought. But as the modern world knows it, it bears the deep marks of Christian faith and tradition. In the Middle Ages it appears, sometimes as a refinement and a spiritualization of the elementary passions, as in the tales of love and chivalry, in Dante's ideal of Beatrice; sometimes as a vague borderland of semi-pagan revolt and license, as in *Aucassin and Nicolette* or later in Petrarch. Hence revolt is not of its essence, but its accident. In its modern form it stands for the valuation of sensibility and creative imagination, yet of these not in baser and cruder manifestation, but as formed by inheritance, tradition and ideals. It valuates innate natural forces and passions, yet it gives them a semi-moral sanction, surrounds them with a glow of idealism. It exalts nature, and invites response to the external world in a mystic communion as though with what is semi-personal. Hence Romanticism is by some diagnosed as a decadent thing,[12] and condemned as elaborate self-deception and escape from

[12] Among more or less unfavorable critics of Romantic theory, Paul Elmer More: *The Drift of Romanticism* (Boston, 1913), defines the Romantic standpoint as that of reverie, in which distinction between the world of impressions and the "inner check" of rational consciousness is vaguely confused, so that sensuous attraction and impulse is at once given rein. Irving Babbitt (*Rousseau and Romanticism;* Boston, 1919), tends to identify Romanticism with a flair for the improbable and the exceptional, a revolt against rational discipline. Ernest Siellière (*Les origines romanesques de la morale, etc.* Paris, 1920) traces Romanticism ultimately to the influence of neo-Platonic mysticism upon a western erotic tradition

reality. Such a view of it is hardly fair, for it is not to be judged as though it were a creed or a faith, as though it claimed to guide or teach. It is rather itself an energy to be directed, for in its noblest manifestations it shows the effect of previous disciplines, even if these be only inherited.

When we speak of Romantic criticism, then, we mean among other things such criticism as takes into account the need for variety, for surprise, for the expression of mood and temperament in human psychology of which Romantic tendency is the ever-recurring evidence. When Muratori, for instance, in his aesthetic theory, stressed the element of marvel or strangeness as a central note in poetry or art; when Gravina (whose appreciation of the *Divina Commedia* Robinson, after Balsano,[13] regards as a rediscovery of the poet) calls poetry "a science of things human and Divine converted into fanciful [*fantastica*] and harmonious imagery"; when Breitinger says "it is the first business of the poet to overcome. . . . the dulling effect of custom" or when the Abbé du Bos (whom Robinson reckons to have really closed the long "Quarrel between the Ancients and Moderns") himself an advocate of the Ancients, nevertheless pleads for the freedom of genius to create new forms; when, in short, Milton and Shakespeare and Dante began to be seen once more apart from the aesthetic norms by which Molière and Racine had regulated their art, we have the beginning of that valuation which in Germany made Shakespeare almost a cult, and which enriched aesthetic criticism with sensitive appreciation such as that of Coleridge, Charles Lamb, and DeQuincey.

This, of course, was aesthetic criticism; but in its essence it was the symptom of a growing historic sensitization. French Classicists, in spite of their admiration of the ancients, could hardly be said

which he thinks has gradually invested the relation of the sexes with idealistic sentiments and created what he regards as a non-natural equality of the sexes. Carl Schmitt in *Politische Romantik* (Munich and Leipzig, 1925) regards Romanticism as a mere phenomenon of collective or individual egoism without idea, principle or substance, so devoid of central idea that it resists all definition, merely releasing forces that are utilized by most unromantic and calculating programs of any and every kind.

[13] *La Divina Commedia giudicata da G. V. Gravina* (Coll. di opusculi danteschi, vols. XLII, VVII, Città di Castello 1879 (J. G. Robinson).

to have lived in an antique atmosphere; they were much further removed from real antique traditions than the Italian humanists had been, living as the latter did, on Classic soil. Without a suspicion of the absurdity of the anachronism, they could witness on the stage Cato or Alexander in lace and a powdered peruke. True, the stage of Shakespeare had been even more innocent of a sense of historic settings, and cannon were discharged in the Denmark of the Vikings, while a most un-Viking-like prince, Hamlet, unfolded the tragedy of a mediaeval-modern soul. Even today, early art-traditions in Germany continue to represent in the Stations of the Cross in church, Roman soldiers in the armor of Crusaders. But in taste and in imagination, as we approach the nineteenth century, there is a new sense for the cultural atmosphere of periods in the remote past. History was no longer a record of past events, disguised in the garb of contemporary habits of thought, except where the record was so vivid as to make itself for all time visible. The Romantic imagination touched with its creative power the intellectual results of that absorbing study of change and variety in human civilization which had occupied scholars ever since the sixteenth century, and what men had before studied, they now began to visualize, and even mentally to live over again within those past periods. The essence of Romantic criticism, whether aesthetic or historical, was imaginative and sympathetic response to atmospheres distant in time or space, *on the basis of sufficient evidence for the accurate reproduction of such historic atmospheres.* Thus, history could become now for the first time, it seemed, at once an art and a science, none the less scientific for being an art, because its creative power in reconstructing the past was utterly dependent upon sufficient and well-sifted sources to make the reconstruction adequate and authentic.

With this new faculty for visualizing and entering imaginatively into the past (the beginnings of which were especialy discernible in humanist appreciations of the life of antiquity), came to be connected since the Aufklärung the conception of organic and vital integrities and relationships. This too, was essentially connected with aesthetic intuition, yet in its aspiration was also scientific. The Aufklärung idea of Universal History had caught, indirectly and obscurely, from its Augustinian antecedents, and from the teleology

of its philosophical background, this sense of human life as a complete and organic whole, which even more modern historical theorists, like Bernheim, venture to regard as fundamental to scientific historiography. But with the new resurgence of national psychology, the organic idea received a new vividness, and social phenomena were eagerly studied as living things with organic laws of life to be discovered. In their researches for national history Germans asked themselves what was the vital essence of *Deutschtum,* and as they contemplated French history, they tried to get at the vital laws of French life. The Catholic Church, too, in her remarkable recovery from the repeated disasters and humiliations of the combined governmental measures against her of the period of "enlightened despotism," the attempt of the Jacobins at extermination and of Napoleon for control, no longer appeared as a cunning mechanism of habits and customs, but as a thing of strange and perdurable life, and in England especially the word "organism" became an important one in ecclesiastical matters, as men began to note the survival of Catholic traditions in bodies separated from the Church.

For now there had come over the Protestant world, and the more secularized circles in Catholic society, a new attitude toward tradition. The days of the *tabula rasa* were soon recognized as past. Knowledge was less confidently supposed to begin with doubt, and intuitional philosophies began to come into favor. More was made of inherited instincts and common notions of race-experience, of the "consensus of Mankind," as a starting-point or at least an asset for knowledge. Some thoughtful Protestants came to scrutinize their own traditions, and to discern between the negative and the positive elements in those traditions; to discover, in some cases that the same religious body contained two or more distinct organic traditions. Even more significant was a group of social theorists in Catholic France of the early thirties who called themselves under Lamennais' leadership "traditionalists" and were intensely Papal in their partisanship; but who had to be finally condemned because of their undervaluation of rational principles. This new valuation of tradition and inheritance generally proved to be a powerful reenforcing influence in the nineteenth century development of nationalism.

Thus, the modern era began fairly with an attack upon institutions, in which documents, torn from their institutional and traditional settings, were used as weapons or missiles. France, the first national unit to recover compact and whole from this attack, and to repel and expel Calvinism, the ecclesiastical and social scheme that aimed at the complete root-and-branch revolution of European civilization on a consistently anti-Catholic basis, betook herself to the task of reconstructing, defending and studying civilized institutions in Catholic form, but maintaining them on a national basis; and in that study, French savants arrived at a reinterpretation of the Augustinian doctrine of Providence and human progress that was Pelagian in essence, and contributed to the almost complete destruction of the French state system. But the more solid results of that study of institutions formed the groundwork of a survey of the successive changes of human civilization, which, combined with the impulsive and inspirational influence of Romanticism, brought about new facilities in the study of documents, a new attitude toward institutions, and certain re-valuations of tradition, all of which were of importance in determining the character and the direction of historical research in the early nineteenth century.

Most significant of the typical notes of Romantic criticism in its bearing on historiography, as we see it in the type of aesthetic valuation which from the Schlegels and Schelling through Samuel Taylor Coleridge had such influence on English literary appreciation, was the assertion of the principle that criticism, before passing its judgment on a work of art, must first penetrate into its spirit and purpose in relation to the time which produced it, by means of a sympathetic and constructive divination. Romantic criticism then asked of such a creation, Was it true to itself? How far did it fulfill its own central aim? Where was it confined or thwarted by elements foreign to the specific law of its own life? Did it overcome all the obstacles opposed to this vital purpose? This parallels the approach to history of investigators like Niebuhr, like Böhmer, like Ranke himself, and here we can sense the fascination original documents had for them, as infallible traces of vital process. Here we find a motive that kept Pertz to his strict rule of never consulting secondary sources, fearing the influence of later glosses and interpretations upon historical accounts. There

is a most interesting letter of Goethe to Niebuhr on receipt in 1812 of the first two volumes of the latter's history of Rome, which shows how perfectly Goethe divined Niebuhr's constructive and creative aim in his use of documents and monuments, even while the poet, his literary and aesthetic interests uppermost, refused to concede success to Neibuhr until he could see the actual reconstructed past rise out of the historian's research.[14] "The Past," wrote Goethe, "can be presented to the eye of the imagination by contemporaneous written monuments, annals, chronicles, documents, memoirs. . . . These place in our hands an immediate portion of that time itself, which gives us pleasure just as it is; but which we, for the sake of others, or from a hundred various impulses and aims, seek to cast into new forms. We do it, we remould the given materials, and how? As poets, as rhetoricians. This has been done from the earliest times, and these methods of treatment exert great influence. . . . they give food to the mind, strengthen the character, and arouse to action. It is a second world, which has swallowed up the first. Conceive the feelings of men when the second world is destroyed, and the first does not come forth perfect to view! The critical science which strikes into pieces the accumulations of later ages, and (where it cannot wholly restore the original edifice) at least arranges the fragments and affords glimpses of their mutual relations, is most welcome to all who would fain see events once more as the ancients saw them. But ordinary men have no such wish, and they are right."

Three years later Goethe, under the tutelage of Boisserée and Stein, was to gain a more vivid vision of the possibilities of reconstructing past worlds out of the monuments and the documents they had left. But Goethe was a confirmed Classicist of the Aufklärung, and his open-mindness to scientific progress in historiography never wholly weaned him from those pragmatic types of historical presentation and interpretation, of which Henry St. John Bolingbroke's *Letters on the Study of History*[15] is perhaps one of the most typical expositions.

[14] *Life and Letters of Barthold George Niebuhr*, London, 1852, pp. 357 ff. (trans. from Dorothea Hensler's memoirs and letters of Niebuhr).

[15] 1678-1751. The *Letters* were printed privately before 1751 and published 1752.

CHAPTER EIGHT.

Antecedents of the German Aufklärung: (II)

The Peace of Westphalia and the New Protestant *Kulturpolemik,* 1648-1716.

The *Bella Diplomatica.*

In our fifth and sixth chapters, we noted some of the effects of the humanist movement, complicated by the Reformation attack upon the Catholic Church, not only upon the development of source-criticism as such, but upon men's fundamental conceptions of impartial and scientific judgment. We observed in the fourth chapter that new access to materials during the Renaissance brought about a familiarization with the life and thought of antiquity, a fresh sensitization to contrasted conditions in different cultural periods in the past, which made possible the detection of anachronism in the study of certain mediaeval documents, and hence resulted in the confident exposure of falsifications and forgeries which had hitherto passed as genuine. We observed how in Germany as well as in Italy, progress in the knowledge of antique sources led to a similar knowledge and interest in regard to mediaeval sources, resulting in great activity in collection and publication. But we could not fail also to observe that the way in which documents were used in the attack upon the Church had the effect of arresting and distorting the development of historical criticism on the Protestant side by the commandeering of source-study in the interests of polemic and anti-Catholic theories, and by forcing Catholic scholars into an easily misconstrued, rashly derided conservative position. We were able fully to admit the stimulative effect upon all thought of the era of discovery and exploration, breaking up the senseless thraldom of mere habit and custom through new and multiplied contacts, and making necessary the new formulation of a hitherto under-developed aspect of the old logical method of inquiry into a discipline, new in its exactions and in its confident anticipations of solid result—the Inductive method. But this new confidence, as we also saw, could not compensate for a profound sense of funda-

mental uncertainty about the validity of judgments, whether private or public, unless the mind could be cleared in an impossible degree and in an impossible way, from all predispositions from social or traditional sources of influence. This philosophical uncertainty, leading logically to complete skepticism or indifference, we could not but connect with the fact that the Reformation movement had resulted in displacing from its central position of universally recognized judicial authority, the Papacy. The attack upon that central institution which represented judgment of authority through application of doctrine to actual conditions, contributed toward erecting standards of criticism in which doubt and suspicion, not axiomatic criteria, were regarded as basic.

In our last two chapters we saw how practical social exigency in face of the threatened social revolution of Calvin, with his regimen of government by the Elect, duly accredited by forensic power and by logical fidelity to the doctrines of total depravity and irresistible grace—forced west-European governments to entrench themselves upon the old institutions of Catholic civilization such as monarchy and the temporal and spiritual estates, with monarchy as the organizing principle. The burgher commercial interests were subordinated and controlled by governmental policy with a view to solidifying national interest on its economic side, the nobility depending on royal favor and forming at the court a nucleus and pattern for national and social standards. We saw how France, by her prompt rejection, after an experiment in toleration, of the Calvinistic program, and by her adroit use of foreign religious and dynastic conflicts, as well as by her success in maintaining national cohesion, was soon in the position of arbitress, politically and socially as well, of Europe; and how at the French court certain forms of criticism were formulated which gained very general acceptance, and which, because they were fundamentally designed for the support of social institutions, powerfully stimulated the study of civilization, laws, and institutional structures. In these studies we traced the formation of a universal perspective of the course of human events, which, combined later with Romanticist theory, directed and inspired later historical research most significantly.

In this chapter and the next it remains for us to give some account of the relations to progress in documentary criticism and to

historical perspective, of Gottfried Wilhelm Leibnitz; of the legal *bella diplomatica* which gave Hermann Conring occasion to lay down correct principles for testing the genuineness of a charter; to dwell on the relations of the Bollandist and the Maurist community labors on the lives of the saints, to the tendency toward historical skepticism in France, in order to show how the great scientific achievement of Mabillon preeminently illustrates the mediaeval tradition of criticism which we have been emphasizing.

The activities and interests of Leibnitz touch on so many matters directly or indirectly related to our subject, the influence of his thought upon Germany in the eighteenth century was so considerable, and his documentary researches were in themselves so extensive and so remarkable for the significance which he attached to documents, that it is surprising how little in proportion he can be said to have contributed to the main line of advance in historical criticism. This is in great part due to the fact that the most valuable of his researches lay hidden in the Hanover archives for two hundred years after his birth, when the industry of his nineteenth century successor in the Hanover library, George Henry Pertz, brought them to light for the first time in 1846, after other scholars had largely independently of his help, covered the same ground of advance as Leibnitz had, and had gone beyond it. Perhaps the chief direct and specific contribution he made in his time to critical method in source-publication, was his insistence that documents be published in their source-integrity, without attempts to correct verbal or other errors, this trace of the older custom of incorporating source-material into the writer's own account having survived till that period.[1] But the more general contribution he made to contemporary historiography was through the influence of his stress upon the necessity for history of documentary study at a time when there were cultural influences tending away from dry parchments; through the corrective to narrow provincial interests in German research which was supplied by the wide ramifications of his interest in general European history; and through the inspiring example of his vast labors and his unwearied efforts to promote a co-operative spirit throughout European cultural circles. Leibnitz as the

[1] Shotwell in *Encyc. Brit.*, XIII, p. 530.

founder, in 1700, of the Berlin Academy of Science, is connected with the history of the *Monumenta* both indirectly and directly; for in the early history of the enterprise we shall have to reckon with the effects of the attitude of the Academy upon its fortunes, and we shall remember that in 1874, by order of the new Imperial government, the Academy took over the continuation of the whole work.

Leibnitz also attempted, during his stay in Vienna (1712-1714) to found there also an academy of sciences, but failed for lack of sufficient understanding of the conditions under which non-Catholic assistance there would be most helpful. Both the attempt and the failure in this instance convey a distinct indication that a new situation now existed in the relations between Catholic and Protestant scholars. To appreciate this situation some consideration must be given to the nature of the issues decided by the Thirty Years' War and the Peace of Westphalia, and the various interpretations which scholars could give to this decision.

The steady movement in France since 1600 which resulted in the annulment and the eventual revocation of the Edict of Nantes, as we could not but observe, was a most important, if not the decisive factor in determining the central position of the Bourbon Court in the political and the cultural life as well, of Europe, because it made possible the cohesive national life in France without which Richelieu could not have had the free hand he exercised in his foreign policy of Protestant alliances. Somewhat similarly the Catholic scholarship of the Bourbon period with its tendency to a Gallican semi-detachment from the main stream of Catholic tradition, gave it a certain point of vantage, however temporary and specious, in discussions with Protestants. Anglicans, in their attempts to formulate conservative and "Catholic" interpretations of their national church system, could afford to be receptive to many arguments of the Gallican divines, since they could feel that in Gallicanism, Anglicanism was receiving from the continent considerable moral support. After the Peace of Westphalia, too, in Germany the prestige of French Bourbon culture rapidly gained ground and extended to German circles of scholarship without being checked by a national spirit that seemed for the time drained of its energies.

It was possible for German Protestant scholars to look back on the Thirty Years' War and its end, and to draw from it lessons from two different points of view. That war had opened upon religious issues, but had closed very definitely upon dynastic and secular political issues, to which questions of religious controversy were distinctly subordinated. To a mind like that of Samuel Puffendorf (1632-1694), who had in youth grown weary of theological questions, and who studied eagerly the earlier works of Hobbes and Grotius because these thinkers sought to find a basis for moral and legal sanction and political control independently of religious dogma, the lesson of the Thirty Years' war seemed to be that secular issues were more important than religious ones, and that the latter were bound to be, and ought to be determined by the exigencies of the former. Puffendorf's critical attention under the influence of this idea in view of the result of the Thirty Years' war, was directed to the weaknesses of the Empire as a political system, and he unsparingly attacked them in an anonymous work published in 1667, purporting to be a letter written by a Veronese gentleman to a friend. Of course, according to this view, the principal cause of the weakness of the Empire was its constitutional relation to the Papacy, which it could never sucessfully control or subordinate, and from which it could not disentangle itself. It is easy to see how from such criticism Puffendorf could advance to formulate that general theory of the relations between State and Church which, it is said [2] formed the basis of the Hohenzollern policies in the nineteenth century in regard to Protestant and Catholic confessional questions.

But this general view was not by any means an irresistible conviction in all acute Protestant minds. To Leibnitz, the lessons of the Thirty Years' War pointed in a totally different direction. What he saw in it was, not a triumph of secular over religious issues, but a very decisive check applied to the secular aspects both of Catholic and Protestant programs. The aim of Calvinism to revolutionize European society on the basis of a thoroughgoing dogmatic system and with the reenforcement of the burgher commercial and industrial interests, had been defeated completely on

[2] Unsigned article on Puffendorf in *Encyc. Brit.*, XXII, p. 634.

the continent, as it was soon to be defeated in England. At the same time, the aim of the Empire to recover Germany for Catholicism by force had been just as decisively defeated. To Leibnitz all this signified that conservative Protestantism, meaning that majority of Protestants who were willing to accept the Monarchical-feudal type of government and the general common traditions of European culture, had won their place in the sun, and were now in a position to discuss with Catholics the question of the reunion of Christendom, in face of the Turkish menace. Leibnitz could not but recognize, from his point of view, the services of France in bringing this about, even though the aims of France had been sheer self-preservation and aggression, and though her rôle had been and still was that of the enemy and the divider of Germany. In his scheme for a new crusade of Catholic-Protestant Christendom, therefore, Leibnitz tried to appeal to Bourbon interests by suggesting that France take Egypt as her share of the spoil; to which Louis XIV characteristically replied that, since the time of St. Louis, religious wars had ceased to be *à la mode*.

In spite of his radically mistaken appraisal of the whole situation in more than one respect, Leibnitz correctly divined that the time had arrived for a new status in the Catholic-Protestant controversy. He did not, perhaps, realize what fresh issues could be brought into that controversy, until he was confronted by Bossuet's arraignment of the self-contradictory character of Protestantism, embodied later in a famous work. The facts in that arraignment could not be denied. Could they be defended? The philosophy of Leibnitz was extreme individualism, pervaded and coordinated by just as extreme an optimism in his theory of pre-established harmony and final cause. To him, as to his age, the thought of Progress was fresh and fascinating, and the necessity of variety and conflict of opinion as a stimulus of Progress was keenly felt. Without thinking that he was thereby compromising beliefs that were most dear to him, by classifying them with the mutable opinions of mankind, he took the plunge, admitted and defended the mutability of Protestant doctrines as the surest pledge of growth in experience and advance in knowledge. Before such an admission and such a defense, it would have been impossible to defend the Protestant movement as a whole. Now, by the virtual sacrifice of dogma as possess-

ing any permanent authority in Protestantism, a new Protestant apologetic came into existence. Protestantism was no longer bound to hold permanently those Catholic dogmas which hitherto had been assumed as common ground on which dispute could be made. Protestantism, Leibnitz asserted, was not obliged to believe tomorrow what it believed today.

This attack, admission and defense brought with it all the relief of a clarification; the candor of the admission made possible a new tone of tolerant amenity in intercourse; but the defense opened up, nay it widened a chasm across which sympathetic understanding between Catholics and Protestants became less possible. Common ground for discussion at once dwindled between those who preserved and guarded truth as a trust, and those who gladly and hopefully admitted that they were only seeking truth through their own experiments and speculations. But while common ground for discussion dwindled, common ground for co-operation remained, and even grew more solid and spacious. The extension of this field of common ground in the sphere of historical research and documentary scholarship is one of the important facts with which we are concerned in this study.

Leibnitz, while collecting documents for his *Codex juris gentium*, (1693) had some correspondence with Mabillon, whom he referred to as "one of the most learned men in the world on the field of documentary research." But Richard Rosenmund[3] cannot feel sure that he had studied Mabillon's work, as diplomatic properly seems to have been a matter apart from the collection of valid state-treaties for statesmen and scholars, which Leibnitz was preparing at the time. In connection with the latter's legal studies, a controversy might be mentioned which was characterized by less patience and urbanity on his part than that which had characterized the conferences with Bossuet. His adversary was Puffendorf, the legal theorist of Swedish and north-German royal and electoral courts, the panegyrist of the Elector of Brandenburg, whom we have mentioned. Puffendorf's attack on the Imperial system was the occasion. By those who believe Puffendorf's theory to have been a progressive one[4] Leibnitz is judged to have been worsted in the

[3] *Fortschritt der Diplomatik*, p. 30.

[4] *Vide* the unsigned article on Puffendorf, *loc. cit.*, p. 211.

argument through his "timid conservatism," and to have been instrumental in obscuring the memory of a great thinker by the weight of his own prestige, when he described Puffendorf as "not much of a jurisconsult, and least of all a philosopher." Yet in this clash we discern that a fresh cause for bitterness in controversies between Protestants had arisen. Leibnitz later defended Protestant mutability and variety as signs of progress; but he was not prepared to regard tolerantly the signs of "progress" that were evinced in Puffendorf's inceptive theory of the superiority of secular over spiritual interests. Furthermore Leibnitz' type of cosmopolitanism was limited to Christendom, while Puffendorf's "law of nations" tended to underestimate religious convictions, and in this respect anticipated the attitude of the French Enlightenment and of the latitudinarianism of the Georgian period in England, as well as the general Hohenzollern confessional policy. We need not go far to seek a parallel to Leibnitz's antipathy for Puffendorf's type of thought, in Stein's lack of sympathy with the Josephistic and Napoleonic schemes for subordinating spiritual to secular interests, as also in his predilection for the Imperial tradition, in spite of clearly-seen defects.

In 1676, Leibnitz was made head librarian of the then ducal library at Hanover, thereby becoming the most distinguished of Pertz' predecessors in the office. He soon plunged into those records of German dynastic history in connection with the House of Brunswick which resulted in those long-hidden results of research which waited for Pertz to bring to light for the occasion of the two hundredth anniversary of his birth.[5] The records in Hanover, and other materials which he amassed after assiduous research in Franconia, Bavaria, Swabia, Austria and Italy opened up to him far-reaching lines of documentary evidence extending over all mediaeval and later European history. To him, the interpretation of documents was of absorbing interest. He believed that knowledge of his material would revolutionize all modern conceptions of mediae-

[5] *Annales imperii occidentis Brunsvicenses*, Hanover, 1843-1846. The anniversary was made the occasion for opening the Royal Scientific Society in Saxony at Leipzig, and the realization of that Imperial Academy of Science in Vienna which Liebnitz attempted to found during 1712-1714.

val history.[6] His plan was for a history of Germany that should begin with its geography and geology in historical bearings; following with linguistic discussion, then with details of the history of the various families that occupied the Imperial throne and territorial power. The *Accessiones historicae* appeared 1698-1700, and the *Scriptores Rerum Brunsvicensium* in 1707-1711. This comprised only a very small part of his material, but it marked the beginning of a new epoch in source-collection in Germany. Publication of sources had gone on almost without interruption since the collections of Maximilian I, but there was little advance in criticism or systematization of material since that period. The proverbial pedant in English and French literature was often given a caricatured German name, like Pangloss in Voltaire's *Candide*, or Slawkenbergius in Sterne's *Tristram Shandy*, even though in the later eighteenth century matters had much improved in German scholarship. Particularism during and after the Thirty Years' War had multiplied collections of local and provincial history to the exclusion of matters of more general interest. All these materials, says Wattenbach, were issued in crude, fragmentary, unsystematic masses, wretchedly edited.[7] Domination of French influence, devastation and exhaustion had stifled native cultural life and since works by Pistorius (1508-1607), E. Lindenbrog (——— 1609?), M. Freher (1600-1611), Melchior Goldast (1576-1635) and Henry Meibomius, whose grandson of the same name incorporated his material in a *Scriptores Rerum Germanicarum* in 1688, there was little to add to that solitary tribute to German *laboriositas*, which Leibnitz said, seemed to be the only gift conceded to the nation by others.[8] One historian of note stands out during the period, Dom Carolus Meichelbeck, the "Livy of Bavaria" (1669-1734) librarian and archivist of the Abbey of Benediktbeurn in the Alps south of Munich. This abbey was visited by Mabillon in 1683, during a tour of research. A similar visit of Mabillon to Salzburg, when he was received with great éclat, but was not permitted to look at a single manuscript, is characteristic of the jealous local exclusiveness of the German historical interests of the time.[9]

[6] Flint, vol. I (Germany), p. 338.
[7] *Geschichtsquellen*, I, p. 14.
[8] Flint, I, pp. 337-338.
[9] Wattenbach, I, p. 28.

Wattenbach, while confessing that Leibnitz's use of his sources fascinates and amazes the reader, remarks also that it is not free from the unsystematic and uncritical faults of the collections of the time. But he also observes that these defects were more clearly detected than before, especially by Leibnitz's secretary, Johann Georg von Eckhart. Eckhart came under the influence of the new French schools of historians, having a better appreciation of the work of Mabillon than his master seems to have had, and of the work of critics like Nicholas Frèret (1688-1749) who, Flint says, employed a "method. . . . severe and scientific. . . . already in Frèret's hands as clear, self-conscious and unhesitating as in those of the foremost historians."[10] Eckhardt was suddenly converted to the Catholic religion in 1723. He had been the only mourner at the funeral of his master in 1718, when Leibnitz (as John Ker of Kersland, in his memoirs,[11] said) was buried "more like a robber than what he was really, the honor of his country." Calepio, the Italian critic, through whom Romantic critical norms from Italy reached Germany through Bodmer and Breitinger, was in Hanover on the day of the burial.

It was Eckhart who, together with other pupils of the great man, —Hahn, Jung, Gruber and Scheidt—arranged and published from his remains the *Origines Guelficae* (Hanover, 1750-1790).

We shall have to refer to Leibnitz again in a later chapter in giving account of the growing sense of the need for a national collection of sources by co-operative scholarship from his time onward. In spite of his manifold activity and contacts, which render it difficult to dismiss him with less space than we have given him, Leibnitz in Germany, like Vico in Italy, was a man strangely isolated in his time, whose greatest treasures were posthumous legacies of thought and research. Both of them, too, contributed materially to that evolutional type of thought which was so characteristic of the Germany of Herder, Lessing and Goethe. Even in his philosophy Leibnitz sought to find common ground with Catholic thought in his approximations to the dynamic concept of potency in the "Monad;" his conception of development, however, was too rigidly limited by the individualism of his "monadology;"

[10] *Phil. of Hist.* (France), pp. 246-248.

[11] 1726, I, p. 118. (*Encyc. Brit.*, XVI, p. 387).

hence the Protestant type of scholasticism which Christian Wolff made current in the eighteenth century in Germany as an interpretation of the thought of Leibnitz, was profoundly reacted against after the revolutionary period on account of the growing feeling for social values and group-interest such as patriotism; and because of the intellectualism of the system.

Before leaving Germany for France and Italy in the documentary interests to be considered in other chapters, we must take up once more the thread of the history of legal diplomatic which has somewhat disappeared since our chapters on German mediaeval source-criticism.

The Thirty Years' War in Germany made the burghers feel the loss of a commercial prosperity that was passing to France, England and the Netherlands since the decline of the Hansa. In the courts, one of the signals of distress was the frequency of charter contests for property control. Aggressive civic corporations, or local diocesan authorities, believing that they could better use the land of a religious community, sought to overthrow the validity of their charters. Since some of these charters were extremely old, and their marks of certification and forms of expression antiquated, in the absence of exact historical knowledge, and under the pressure of strong material interest, it could seem not only easy, but right and just, to discredit them. These contests began in the eighteenth century to be called the *bella diplomatica.*

The contestants not only appealed to the courts, but to public opinion, by publication of the opinions of prominent jurists on one side or the other. That these writings, which Bresslau describes as issued in veritable snowstorms of pamphleteering, were read with interest, would seem to imply that some of these arguments were pervaded by undercurrents of political or religious controversy. The pressure of interests involved help us to understand how through some of these arguments an atmosphere was created which was prepared to accept the later secularizations of Church or monastic property as something not wholly unheard of, provided doctrines of state supremacy were first sufficiently disseminated. Yet the appeals that were made to learned and disinterested opinion show that thus far there was readiness to abide by such scientific judgment as the times afforded, upon the sheer merits of the document.

The first recorded *bellum diplomaticum* of this type was in a case of the Archbishop of Trier against a document of the Abbey of St. Maximin. The charter was supposed to be a Merovingian one, and was challenged as not having direct Imperial authority. In his attack upon a certain document submitted in opposition, the defending jurist, Michael Zyllesius, shows how little forensic diplomatic had advanced beyond the mediaeval stage, when he charges that this document "contains manifestly false Latin construction." Yet he also shows how humanism had brought more accurate knowledge of past history when he defends lack of dating in his document on the ground that in the chanceries of the Merovingian kings the reckoning of dates according to the Christian era were unknown. The printed discussions in this case were in 1633 and 1638.

It was more than thirty years later that a much-contested case was finally referred to the historian of Helmstadt, Hermann Conring. This was the case of the city of Lindau against the local monastery. The document in question, Bresslau says, was a forged one indefinitely claiming to be issued by a "Kaiser Ludwig." In Conring's opinion, published in 1672 [12] he lays down the test of comparing doubtful documents with incontestably genuine ones by the same issuer. Beyond one illustration of Conring's method which he makes, Bresslau does not specify how this test differs essentially from the script- or seal-comparison used by Alexander III in the twelfth century or Innocent III a little later; but the inference from the illustration is that Conring in applying his comparison took into account a whole series of considerations which would not likely occur to a mediaeval because of their deficient knowledge of remoter past periods. For instance; according to Conring, grammatical errors prove nothing in a document, unless orthography or language differs wholly from the custom of the time, in which case it supplies evidence of falsity.[13]

Conring also made some notable contributions to the historical

[12] *Censura diplomatis quod Ludovico imperatori fert acceptum coenobium Lindavense.*

[13] On the *Bella Diplomatica:* Bresslau, *Urkundenlehre*, I, pp. 19 ff; also on Conring: Rosenmund, p. 10; and on Conring and Puffendorf: F. X. von Wegele, *op. cit.*, pp. 589-592.

study of Roman Law, and of the constitution of the Empire, whose influence on Puffendorf is noted by von Wegele. His treatise *De origine juris Germanici* (1643) won him the title of the "founder of German legal history." In this work Conring rejected the widely-disseminated view that Roman Law had been introduced into Germany in the twelfth century by the Emperor Lothar III, and maintained that it gained force gradually in the fifteenth century through the appointments to judicial positions of doctors of law trained in the universities. In his *De finibus imperii Germanici* he starts with the premise that the German Empire was "not a continuation of the old Roman Empire, but that it had grown out of the native vigor of the nation and upon other independent foundations." He sketched, von Wegele says, a most graphic picture of the increasing and waning periods of German power, marking the reign of Frederic II as the point from which decline set in, using enormous material in a masterly way, and with precision and clearness of presentation unusual for the time. It was this work which seems to have influenced Puffendorf's criticism of the weakness of the Empire, and von Wegele gives Puffendorf the distinction of having been the "first, perhaps, to have stated in emphatic, unambiguous terms the question not long afterwards to be discussed among us in lively fashion, of the advantage or the disadvantage of the connection with Italy as it was brought about by Otto I."

And in Puffendorf, with Conring as his predecessor in this respect, there are signs of the more positive and aggressive aspect of the shifting of the ground of Protestant polemic, the negative aspect of which we have noted in connection with Leibnitz. As Leibnitz, by refusing to bind Protestantism "to believe tomorrow what it believed today," inferentially claimed for Protestantism that alleged identification of their cause with intellectual progress which later became a favorite theme during the Aufklärung; so Puffendorf's criticism of the weak points of the Holy Roman Empire fairly represents the formulation of a similar claim on the institutional and legal-political side, that Protestantism is the power from which the modern State must draw its strength, and upon which it must depend for support; a doctrine which came to be inculcated in a great variety of ways in England and in our own country in the eighteenth and nineteenth centuries, and had consid-

erable effect upon laws and public policy, but which found most systematic expression in the Hohenzollern Empire. This modernization of the theory of Protestant state-nationalism must not be confused with the revolution of society which Calvinism contemplated, for the latter was explicitly based on a religious dogma, and in the minds of the Puritans and the Huguenots, must stand or fall with that dogma. The more modern "Protestant State" might be orthodox, like the Prussia which disciplined Kant and Fichte for their views; or it might be "liberal," like the latitudinary religious establishment in England promoted and defended by Samuel Taylor Coleridge, by Maurice, Thomas Arnold and Dean Stanley, and deplored by Samuel Butler, Gladstone and the Tractarian leaders, or like the rationalistic Protestantism of the modern German Empire. What was characteristic of it, in contrast to the Calvinistic program, was its elasticity in doctrinal interests, professed "liberalism" in later stages, and its growing secularist spirit. Yet it is worth observing that in English-speaking countries the "liberal" promoters of this Protestant state-nationalism, in common with the more legitimate inheritors of the Calvinist tradition, almost invariably look back to the New England Puritans, the Ironclads of the Commonwealth, the Huguenots of France and even to the theocracy of Geneva for their heroes, the forerunners of their own programs; forgetting that the very last thing the Puritans were looking for was a secularized society.[14]

[14] Herbert D. Foster (art. "International Calvinism" in *AHR*, XXXII (1927), p. 498) thus summarizes his conception of the character of the influence of the Calvinists upon modern liberalism and democracy: (1) they carried theories "to logical conclusions"; (2) they combined these theories "in a workable system"; (3) they developed a type of people "capable of putting into practice" this system or these theories; (4) they demonstrated that "these principles worked successfully in practice." One need not the less admire some traits preserved in Calvinistic heritages, and yet observe that the Calvinists (1) at first attempted to unite Protestants upon a logical anti-Catholic program; (2) that the Calvinistic system, as a social scheme, proved unworkable in France, England and America; (3) that they developed a type of people ready to abandon theories and principles that would not work, while retaining the original anti-Catholic spirit and aim; (4) that they demonstrated that such a spirit and aim cannot be transmitted for several generations without frequent and radical changes of tactics, of principles and of beliefs.

CHAPTER NINE.

The Critical Defense of Documentary Sources Against Historical Pyrrhonism, 1681-1750.

The diplomatic rules laid down by Conring were soon adopted in Germany by other jurists in future contests during the *bella diplomatica;* but as Bresslau says, the German beginnings of scientific documentary criticism were compelled to recede into the background. The Flemish Jesuit scholar Papebroch (Flemish, Papenbroeck) continuing the co-operative work begun by Rosweyde and called after the name of his successor Bollandus, published in 1675, without apparently any knowledge of Conring's work, a work embodying essentially the same principles as that of the German scholar. But this same work also contained some seriously erroneous conclusions which affected the value of thousands of early documents, including those reserved in the ancient and historic Abbey of St. Denis near Paris which we have mentioned in connection with the mediaeval *Great Chronicles of France,* compiled under Abbot Suger[1] (1082-1152). And it was in defense of these documents on behalf of the Benedictine order that Jean Mabillon after most careful preparation and exhaustive research—in which he received all possible aid in access to state documents, and from lay scholars and librarians such as Baluze and DuCange, as well as from the archives of his order—published in 1681 his work *De re diplomatica* in which the principles of documentary scrutiny were for the first time set forth in fully scientific fashion.

In these developments we are directly confronted with the extension to historical interests of that tendency to skepticism which we have previously taken into account. In the later part of the sixteenth century in France there had been a tendency among writers to place special value upon historical studies. Jean Bodin (1530-1596) a keen and original though rather erratic theorizer on legal and political questions, had written a treatise on the

[1] Flint (France), p. 177.

Method for Faciiltating Historical Knowledge in 1566, which was not concerned with research or criticism, but with ways in which history might be most profitably read. In his generalizations, however, there is a recognition that history is concerned with changes in the course of human affairs, a note of observation which forecasts the later studies of institutional and social change and progress. A protest against a too slavish following of antique models in historiography had been uttered in 1599 by Launcelot V. de la Popelinière who believed he discerned greater advantages for modern historians. Scaliger in 1583 published his *De Emendatione Temporum,* in which Chronology was advanced far beyond Baronius' treatment of it, though his attempt to counter the documentary defense of the Church in the *Annals* does not win the praise in Protestant circles it once did. Sandys however, can still call him the greatest scholar of modern times.[2] Scaliger's services to chronology consist in his having brought its reckonings fully into line with the Copernican system, and in his having extended the science so as to include time-records of many peoples and civilizations which hitherto had been customarily ignored. Thus, though Sandys inferentially understates the value of the mediaeval perspective of universal history in his commendation of Scaliger, the latter can certainly be reckoned as a forerunner of the types of universal historical purview which were characteristic of eighteenth and nineteenth century thought. Étienne Pasquier deserves mention as one of the earlier French students of the growth of institutions.[3] De Thou (Thuanus, 1553-1617) in his *Historiae* gives a valuable, but where he depends on biased information, a not entirely reliable account of the Valois period. In its bearing on the controversies of the time it incurred ecclesiastical condemnation but could later be used by Catholic as by Protestant historians as a source, and was especially useful to Bossuet in preparing the *History of the Variations,* the argument of which was of such weight in altering the status of Protestant apologetic.[4] Besides the Protestants Scaliger and de la Popelinière, mention should be made of the Huguenot Francis Hotman, who in his *Franco-Gallia* (1573) appealed to history to show

[2] *Encyc. Brit.*, XXIV, pp. 284 ff.
[3] Flint (France), p. 188.
[4] Georges Goyau in *Cath. Encyc.*, XIV, pp. 706 ff.

that monarchical absolutism in France had been an innovation and a usurpation against more ancient popular rights. Hotman tried to prove too much, but in his main contention that Louis XI arbitrarily suppressed previous liberties, he gives a curious example, for that period, of Protestant favorable valuation of earlier mediaeval conditions. The *Franco-Gallia* and a similar anonymous work appearing six years later, the *Vindiciae Contra Tyrannos* are often cited by recent historians as anticipating, in theory, political maxims that much later found general acceptance.[5]

Out of these historical interests, to which should be added the researches of Budaeus, Turnebus, Lambinus, Stephanus and Casaubon, it might be expected that in the seventeenth century among lay scholars there should have developed considerable activity in documentary scholarship under the favorable cultural conditions in France which were denied to Germany. Two names of laymen stand out eminently in source-scholarship throughout the century, and these were devout men who had received Jesuit training—Charles Dufrèsne DuCange and Étienne Baluze. The researches of both these men were of importance for mediaeval studies. Du Cange (1610-1688) set himself the task of mastering post-classical Latin and Greek in furtherance of his western and oriental studies. His *Glossarium ad scriptores mediae et infimae latinitatis* (Paris, 3 vols., folio 1678; re-edited with addenda by Dom Carpentier, 1840-1850, in 7 vols. 4to; in 10 vols., 1882-1887) was to prove of indispensible value to the later vast labors of the religious orders of which we shall shortly treat, and the title of the glossary itself has a prominent rôle in the history of the term "Middle Ages." Besides his published works on western and oriental history during the mediaeval period, DuCange left many scattered manuscript materials, fully annotated, most of which were collected by his grand-

[5] See for example Gwatkin in *Camb. Mod. Hist.*, III, pp. 753 ff. Gwatkin's view that the principle of "cujus regio, ejus religio" was a "step in the right direction," that is, toward ultimate toleration, is an example of the distortion of our perception of past events and issues through our knowledge of subsequent developments. It blurs the clear outline of a decisive event or measure, and dulls our discernment of its motives and possibilities, if we think of it only as a step to something that came afterwards, however important to us that subsequent development might be.

nephew Dufrèsne Daubigny, and are still preserved in the National Library in Paris. Baluze (1630-1718) also left great collections and annotations in the library of the statesman Colbert, whose librarian he became in 1662. He edited and published among other matter the capitularies of the Frankish kings in 1677, some letters of Innocent III in 1682, a supplement to the collection of Councils made by Philippe Labbe (in 1683), and lives of the Avignon Popes in 1693, and some of his miscellaneous work was published by Mansi in 1761. Labbe (1607-1667), whose life was nearly coterminous with that of DuCange, and Petavius (Denis Petau) a slightly older contemporary (1583-1652) were clerics and Jesuits and should be mentioned in connection with Mansi for their services of documentary compilation and arrangement and their beginings in the history of Catholic dogma, of which history Petavius has been called the father.[6] The latter's works *De doctrina Temporum* (1627) and the *Tabulae Chronologiae* (1628, 1629, 1633, 1657) carried the science of Scaliger's chronology (which, it should be remembered, was published the year after the Gregorian reform of the Calendar) to a stage where it "prepared the ground for the works of the Benedictines."[7]

The *Bibliothèque historique de la France* of Jacques Lelong the French Oratorian priest (1665-1721) published in Paris 1718, was mentioned by Savigny in the letter to Jacob Grimm in 1814 as a model for bibliography in one of the important evidences of discussion among German scholars of the need for a national collection of sources, previous to the promotion of Baron Stein's plan.

These men were, as we have said, either clerics, or laymen of devout training and associations. In the more secular culture of the seventeenth century, while history was still of interest among many, it was discussed as a means of instruction in manners, morals and statesmanship. The interest in documentary research which had been the common legacy of France as of Germany from the Renaissance and from the mediaeval period, suffered from two, perhaps three special influences; from the increasing interest in the forma-

[6] J. de Ghellinck in *Cath. Encyc.*, XI, p. 743; Labbe, A. J. Maas, *ibid.*, VIII, p. 718; *DuCange, ibid.*, V, p. 181; *Baluze, ibid.*, II, p. 242.

[7] De Ghellinck, *ibid.* See art. *Chronology* in *Cath. Encyc.*, III, p. 738 on Scaliger's services.

tion of a national French literature, and an impatience with the exactions of learning, with its accustomed international garb of grave and robed Latinity; from the influence of Cartesian thought, which was mathematical and ratiocinative, encouraging the habit of deduction and generalization rather than the collection and scrutiny of first-hand evidence; and thirdly, from the growth of a skeptical attitude of mind toward all recorded and preserved evidences from the past, which very soon manifested itself in what Bayle, the chief exponent of it, called "historical Pyrrhonism." [8]

It is this last development that especially concerns us here. "My talent," said Bayle, "is to form doubts, which for me merely remain doubts." He unquestionably, says Flint, put his talent to usury, suggesting and spreading doubts with a success unattained by any man before him in Christendom. And Flint judges that the effect was on the whole beneficial, probably because that skepticism was so largely directed against Catholic faith and doctrine. Though Flint mentions the labors of the religious orders in the seventeenth century, and even states [9] that that century was predominantly "an age of collections and compilations" he scarcely gives a hint of the significant fact that in the course of these monastic researches in defense of the sanctity of the Catholic Church, the really critical and scientific foundations for modern historiography were laid. Still less could one gather from the Scotch student of historical philosophy that these foundations were laid as a direct confutation of this very Pyrrhonism which he imagines to have been so beneficial to the development of historical criticism. Since the researches of Leopold Delisle and his associates in France in 1880 [10] and the similar works of Brunner, Ficker, Sickel and the other diplomatists of the *Monumenta* during this period the true nature and character of these beginnings of scientific research have been made so clear that even a student of the philosophy of history like Flint might have been expected to revise his account of seventeenth century French historiography in his later edition in 1894. Full recognition of the importance of the development that led to the achievement of Mabillon is now accorded by historical scholars

[8] Flint (France), pp. 209 ff.
[9] *Ibid.*, p. 203.
[10] *Mélanges de paléographie et de bibliographie.*

of every school of theory; by Fueter, Croce and Shotwell as by the later successors of the Benedictine scholars. In this sketch we rely mainly upon Richard Rosenmund [11] and on Bresslau, supplemented by Flint's sketch of historical Pyrrhonism in the seventeenth century.

Bayle (who was in religion a Calvinist), both in his work and in the spirit and idea which pervaded it, marks the definite beginning of the encyclopedic Enlightenment. Its object was not the ascertainment of historical truth, but the arrangement in form for ready reference of all subjects of human interest as matters for discussion from every possible angle, and the object of such discussion was to unsettle all axioms, all accepted standards and established claims. It was the logical application of the idea inherent in the apologetic of Leibnitz, when he inferentially reduced all axioms, dogmas, first principles to the common level of mutable opinion. Suggestions from Leibnitz, however, were not needed by the French Pyrrhonists. Doubt had already been enthroned as the mistress of philosophy by Descartes, and keen minds had discerned that it was only by a kind of violence that Cartesianism escaped from the vicious circle of her despotism. If thought must begin with prostrate obeisance to the goddess of total uncertainty there existed no principle upon which the argument from doubt to existence, from finite to infinite being, from thought to extension, could be made universally convincing. Other opinions could beg to differ, even from Cartesian mathematics. And to that age doubt could seem to be an eminently practical thing; writers could feel that their deft innuendoes, their fine ridicule, was sapping the solid structures of immemorial confidence and trust. The skeptics did not reflect that in their confident use of the subtle weapons of doubt, they themselves were doing violence to its negations as much as the Cartesians had done, since they were themselves supported in all their destructive efforts by the most arrogant and unprovable of dogmas —the belief in Progress as an inevitable process, the assumption that destruction and change must necessarily eventuate in a renewed cosmos of improvement and growth. It is psychologically impossible for men of normal instincts to throw themselves into a

[11] *Fortschritt der Diplomatik, etc.*, 1897.

campaign of negation and destruction without having borrowed and even exaggerated some positive article of faith as the real sanction for their zeal; hence it is not too much to call the doctrines of the Enlightenment on their positive side the new Pelagianism, since the heresiarch against whom St. Augustine concentrated his best energies, had long ago given that faith a very precise theological formulation in his doctrine of the "grace of creation," in which he asserted that human nature had within it from the beginning an inherent power to remedy the gravest of its own evils and defects. This belief, however unformulated, was just as strong in the Russian arch-anarchist Bakounin, as in the social-nationalist Mazzini or the earlier perfectabilitarians from Perrault to Condorcet.[12]

Application of skepticism to history was given expression in a widely-circulated *bon mot* ascribed to Fénelon, to the effect that "History is only a fable established by common consent." That not only lay, but clerical writers shared this infection of historic doubt is shown in the fact that it appears in perhaps its extremest form in Jean Hardouin (1646-1729) the Jesuit numismatist and librarian. In his case it was not from lack of learning, but from a disproportionate value he placed upon coins in contrast to parchments as historic evidence. He regarded traditional history as the invention of monks in the thirteenth century, who, he held, fabricated all the classical writings of antiquity, except Homer, Herodotus, Cicero, the elder Pliny and the Satires and Epistles of Horace. The Frankish documents likewise were forgeries. In a discussion in the Academy of Inscriptions, the Abbé Anselm in 1720 fairly placed the question of historical certitude before the educated public, and in 1722 de Pouilly carried the question of the reliability of early history of Rome further than the misgivings of Otto von Freising in the twelfth century and the more definite doubts of Valla in the sixteenth. The Abbé Sallier answered that the parallelism between features in early Greek and early Roman history was

[12] Michael Bakounin (1814-1876) supplies perhaps the most extreme example of intense zeal for a negative and destructive policy, "terrible, total, inexorable and universal," based on the paradox that "the desire for destruction is at the same time a creative desire." Bakounin approved of Proudhon because the latter "adored Satan." (Robert Hunter, *op. cit.*, pp. 4, 5.)

not sufficient ground for doubt; and this contention was supported by Nicholas Fréret, who elsewhere made some important observations on the distinction between the "spirit of system and the spirit of method in historical study" remarking most pertinently that true criticism is equally opposed to skepticism as to credulity. Fréret sets contemporary testimony above tradition, but shows that distinction must be made between the degrees of greater or less reliability in tradition. De Pouilly, in his rejoinder, went into questions of estimate of character and motives of witnesses in historical evidence, and made some admissions as to the value of traditions, while attributing to them unreliability as to historical details. Louis de Beaufort in 1738 followed up de Pouilly's views in his dissertation on the incertitude of the five first centuries of Roman history with an inquiry into the character of the sources for that history.

In this discussion we perceive that Historical Pyrrhonism was ably challenged by its contemporaries, even by lay scholars; but we can also discern how much more difficult this challenge would have been if the skeptics had been able to create the mental atmosphere in educated opinion which they clearly aimed to create—in the case of Bayle in particular. Traditions and institutions can be better understood and valuated for their evidential value when they can be studied at first-hand with sympathetic understanding, as contemporary facts, than if they are regarded as remote, discredited and decadent influences, likely to prove an insidious menace unless crushed under the heel of hostile contempt or misrepresented by flippant caricature. The keen discrimination of a mind like that of Nicholas Fréret (1688-1749), whom Flint credits with being the first to exercise with clearness and ease the methods of modern historical criticism, is not to be attributed to those negative tendencies which he so well knew how to condemn, but to the fact that he still lived in a cultural world in which norms and standards were emphasized, and in which the dignity of rational human judgment was recognized; not in the latter world of the *savants,* with their *jeux d'esprit,* their irresponsible levities of opinion, in which we have some prototype of later journalistic gossip and persiflage.

It is curious to discover in the civilized age of the Bourbons a tendency that recalls the recoil from documentary valuation of the

semi-barbarous Germany of the tenth century, after the Carolingian Renaissance. The rough Swabian bailiff who "did not intend to forfeit his right through any pen-scratching"[13] finds kinship with the eighteenth century *philosophe,* who disliked the crackle of parchment and hoped to rebuild human rights on the clever mockery of old records and monuments; and we need not be surprised at finding in our own day new kindred spirits, who are so impressed with the conquests of technical science that scholarship of the humanities seems to them as decrepit and antiquated as scholasticism seemed to the Italian humanists. Progress in knowledge, throughout the whole mediaeval and modern periods is an undeniable fact; but it is high time to ask seriously whether these skeptical aberrations are as much of a spur to that progress as is so frequently assumed, and if they ought not rather to be recognized as handicaps of that progress.

Here it is necessary to make clear the fact that doubts in regard to past records were not altogether due to the fundamental skepticism which we have been emphasizing, but also to the conception of nature which was prevalent during and after the French Classical period and characteristic of it. This conception of nature emphasized the uniformity and regularity of its processes. The idea of the "uniformity of nature" was one aspect of that general conception which during this period came to regard the life of mankind as a career of gradual and orderly progress.[14] Such a conception, so far as devout Catholics were concerned, did not conflict with belief in miracles since orthodoxy, in its doctrine of miracles, always assumed the existence of a natural order of things of which miracles were an interruption, or, to make a special adaptation of Teggart's expression, an "intrusion." But the more "natural uniformity" came to be stressed, the more inevitable it was that secular-minded thinkers would regard the natural order as something inviolable, and to look upon the miraculous as something to be minimized as much as possible, if not excluded altogether. To such views the mathematical rationalism of Descartes and Spinoza contributed not a little of their influence, however Descartes himself sought to reconcile his philosophy with orthodoxy.

[13] Chapter II.

[14] On this, see F. N. Teggart, *op. cit.*

The growth of exact knowledge of natural properties and processes gave ever more vivid proof of the existence of order and regularity in nature, which was as keenly appreciated by many of the devout as well as by the more worldly-minded. The effect on believers was to suggest to them, particularly to scholars, the necessity of a more careful scrutiny of the great mass of legendary matter connected with the lives of the Saints. Not that the idea of minimizing the miraculous merely to propitiate lukewarm believers could occur to any firmly-grounded Catholic scholar; but that it became clear that the various degrees of respect due to pious tradition where matters of faith were not involved, must be more clearly adjusted with respect to the actual testimony or other considerations affecting the evidence-value of legends and traditions. By the mediaeval scholars pious legend had been treated with a reverence whose caution was, though not uncritical, at least over-conservative for the requirements of the later times. During the later middle ages a love of the marvelous had combined with the popularity of the memory of certain saints to increase the mass of unreliable legendary matter, and this was accompanied by a lapse in the progress of critical judgment which had been previously attained by men like Adam von Bremen and Otto von Freising; hence when the keen secular interests of the Renaissance began to absorb men's minds, the tendency was to ignore and disregard the miraculous, without always explicitly discrediting it.[15] It may be admitted, in Fueter's favor that the humanist point of view marked the beginning of what he calls a "laic" tradition of educated opinion in such matters, a point of view determined by successful experience in secular concerns, wherein supernatural interventions were not habitually reckoned with, but alertness to opportunity in the natural course of events and from natural motives played an increasing rôle. This "laic" tradition from humanism, should not be assumed to be one of inherent unbelief, but rather an attitude in which the presumption was in favor of natural rather than supernatural explanations of events. And to this general attitude the Classical theory of the "uniformity of nature" supplied a kind of

[15] For the later mediaeval lapse in criticism, see Wattenbach, I, 1; Ellinger, last pages. For the Renaissance attitude toward the supernatural, Fueter (in the French trans.), p. 14.

doctrinal basis. Natural uniformity could be held rigidly as a closed and inviolable order of things, as the rationalistic Deists held it, but was susceptible of an orthodox interpretation, since the Catholic doctrine of supernatural intervention had always assumed that a miracle was a variation from a regular and ordered course of affairs. Hence the total effect on devout opinion of the increase of the volume and variety of secular interests from the beginning of the modern period had been to lay upon miraculous accounts a greater burden of proof, without calling in question the orthodox position by any necessary logical inference. Because of the increasing familiarity with the workings of natural processes, because of inventions and discoveries to which believers had contributed at least as much as their opponents, the older uncritical hagiographies had become a source of disedification on account of the mass of improbable and incredible material they contained, in view of the presumptive title to consideration for natural law which was gaining clearer recognition and more vivid realization.

We remember how in the eleventh century Othlo of St. Emmeram had signalized a new epoch in hagiography by basing his life of St. Boniface upon the letters written to and by him. It can hardly be said that the painstaking researches of Boninus Mombritius of Milan and of Laurentius Surius in the fifteenth and sixteenth centuries marked a similar advance, though they "brought to light much useful material."[16] But the new era of critical hagiography begins with the name of the Flemish Jesuit Heribert van Rosweyde, (1569-1729) who published in 1607 the prospectus of his plan for a collection of lives of the saints which occasioned the exclamation of Cardinal Bellarmine—"The man counts on living two hundred years longer." Not Rosweyde himself, but the enterprise which he initiated, continued for nearly two centuries, and was afterwards resumed to continue until our own time. His successors were John van Bolland and Godfrey Henschen. Thus far, until Daniel Papebroch (1628-1714) in 1659 was called into the work, collection and systematization, rather than criticism of material in the vast plan occupied attention though from the first the critical purpose was kept in view, and discrimination between the genuine, the doubtful and the false was strictly maintained.

[16] Wattenbach, I, 10.

Meanwhile in the new Maurist community of the Benedictine order of St.-Germain-des-Près in Paris, Lucas D'Achéry (1609-1685) had been made librarian, and between 1637 and 1677 had laid the foundation for the collaborative works of the community, collecting the materials for the *Acta ordinis S. Benedicti*, and enlarging the treasures of the library, until it became without exception the richest in manuscripts of the whole order. D'Achéry selected members in the order to devote to the proposed work of publishing the lives of the Benedictine saints and the theological and secular works of the older Benedictines in critical text. He consulted with DuCange, Baluze, the brothers de Valois, LeComte, Vignon and others and won their interest. The earlier publications of the enterprise were in 1667, 1668, 1675. In the first volume of the *Acta* in 1668 were illustrated many features of the institutional life, profane and ecclesiastical, of the sixth to the eighth centuries, and out of 80 saints that had been commonly thought to have been Benedictine, only 25 met the critical test.[17] These works, the collection of whose material and whose object, plan and inspiration were due to D'Achéry, were completed with the help of Jean Mabillon, who was transferred from St.-Denis to St.-Germain-des-Près on account of the gifts recognized in him, in 1664. Here, after Sunday Vespers, a group of secular and monastic scholars met for discussion and plans, and in these gatherings the ability of Mabillon was soon clear to all. His order was proud of the recognition he won from secular scholars. He was blamed both by those who wished no pious tradition to be disturbed, and by the "hypercritical" he was regarded as too moderate. But Mabillon was both too busy and too humble for polemics. It was not until the clearest of calls came to him by the unanimous consent of the Order and the command of his superior that he at length for the first and only time, and with memorable results, entered a controversy whose victory proved in the end to be a triumph not of truth only, but of charity, for it resulted in the frank acknowledgment of the results by the defeated contestant.

Into the details of this controversy it will not be necessary to enter, beyond the features that connect it with the historical Pyrrhonism of the period. Papebroch, representing as he did an Order

[17] Rosenmund, pp. 2 ff.

founded at the close of the middle ages, found it easier, perhaps, to scrutinize mediaeval sources from a more detached point of view. He had been at work in Antwerp sixteen years, and extensive travels, with the aid of Italian and other scholars, had given him command of enormous material, which he soon learned to judge unsparingly. Religious though he was, he was not immune from the trend of thought of the age; and when he had occasion to examine the documents of the famous old Abbey of St.-Denis near Paris, together with others in Lobbes, Cambrai and St. Maximin, and found it necessary to formulate for himself rules of diplomatic, in the application of these rules, he soon found himself approximating judgments on old documents such as were twelve years later expressed by Jean Hardouin in an extreme form. The rules applied by Papebroch were similar to those which Hermann Conring had used in his forensic criticism in Germany three years before in 1672, though there is no evidence that he derived them from Conring directly or indirectly. The method was that of comparison between incontestible and doubtful documents with scrutiny of various characteristics; in Papebroch's scrutiny a much larger array of documents was examined, and more of the characteristics of the documents were taken into consideration, than in Conring's criticism.

The year 1675, says Rosenmund, marks the peak of the tendency of skeptical opinion among scholars in regard to Merovingian and Carolingian documents. How far these general views influenced Papebroch cannot be here considered. Papebroch concluded finally that throughout the Frankish period there did not exist a single incontestible document before Dagobert I, and that only a few incontestible documents survived from the Carolingian period. This amounted to a sweeping condemnation of the archives in St. Denis and of the other monasteries mentioned. The aim of this examination had been purely scientific; the method was in advance of anything so far attained. If it had not been for the living corporate interests of the Benedictine Order, with its ancient history and its mass of records, which were directly and vitally affected, such a conclusion might easily have passed unchallenged as an expert and final judgment. It was the weight of these interests that called for a re-examination of Papebroch's method and procedure, and resulted in the complete foundation of the science of diplomatic.

Thus, the impartial detachment of the Jesuit in this instance carried criticism to a negative and incomplete stage, while the Benedictine corporate interest demanded and stimulated a thorough sifting of the whole question, with positive and scientific result.

Mabillon's *De re diplomatica* appeared in 1681 after six years of the most diligent research and study, with every facility which his own order and the state authorities could place at his disposal. In Bresslau's opinion it is these advantages, rather than the unquestioned brilliance of Mabillon's genius, which counted most in bringing about the achievement. Never before, perhaps, had such a comprehensive survey of documents been possible under such favorable conditions. Rosenmund reminds us that the *De re diplomatica* is not to be judged as though it set out to supply a complete and systematic outline of the science of documentary scrutiny as a whole, and that the purview extends only to the specific matter under consideration. The material, too, did not extend over the whole field of mediaeval diplomatic, for the opportunities for examining German charters were very limited, and knowledge of these would have brought into consideration much else, which was left for the science of the German and French diplomatists of the later nineteenth century.

Yet it went very far, and so far as it went was impregnably based. Of the service which he was rendering to knowledge Mabillon was fully conscious, and this consciousness is evident in a certain exaltation and dignity in his style of presentation. He first attacks the generalization contained in the conclusions of Papebroch, to the fact that unreliability of documents is commensurate with their alleged age, by proving that in spite of the prevalence of forgery throughout the mediaeval period, references in the historical and other literature of the sixth century and other periods confirmed the genuineness of many extant documents. As for the tests of genuineness, Mabillon showed that reliable criteria could be gained only from comparison of the greatest possible number of documents, ranging over a great variety of kind, time-period, group, country. He detailed the various characteristics that must be noted: material, size, writing-material, formulae, punctuation, style, as well as language, authentication-signs and handwriting. Familiarity with the significance of all these indications could be

won only after practice as well as by keenness and discrimination in observation. Judgment must be based on observation of the correspondence to each other of all the various characteristic marks of the document, and also after a survey of the total characteristics.

In 1703 an attack came from a writer named Germon, who declared that diplomatic had no claim to be called scientific, on the ground that conclusive proof of documentary genuineness was impossible especially in relation to the remoter periods. It was to this objection that Mabillon replied in his *Supplementum librorum de re dipl.* in 1704, emphasizing the expertness gained by experience in document-scrutiny, and the certainty of its results, if the field of the experience be sufficiently comprehensive. A bitter attack from the Oxford scholar Hickes, who charged the Maurist criticism with being a monkish school for forgery, was replied to after Mabillon's death in 1707, by his assistant, Dietrich Ruinart.

The principles of Mabillon were amplified by his successors in a work of six volumes published forty years later called the *Nouveau Traité de Diplomatique* (1750-1765) but in its general and special rules for diplomatic later scholars see a theoretic elaboration rather than a practical development of the method. It contained however information on general diplomatic questions and material for special diplomatic; but Rosenmund is naturally amazed to find no mention of German script in a work which dealt with Aztec and Malay writing. Yet what some critics might regard as over-minute distinctions in the rules, can hardly be denied in every instance a scientific character; as for instance the analysis of various degrees of certainty, probability, unjustifiable suspicion, correct and authentic suspicion, etc., etc. But before the appearance of the *Nouveau Traité* the first volumes of the *Recueil des histoiriens des Gaules et de la France* appeared in 1734, and the Maurists were summoned to collaborate in the officially instituted *Cabinet des Chartes,* in 1764. From this date to 1789 the Maurists sent to Moreau, the head of the Cabinet, from thirty to forty thousand pieces of work, which today in chronological order fill 284 volumes. In 1790 the work of the Maurists ceased with the dissolution of the order by the Revolutionary Committee of Public Safety, never to be revived. Little remains of the home of these monastic labors except the church where the religious and lay scholars worshipped

at Sunday Vespers before their conference, and some fragments of the cloister wall, among them, on the corner of the modern boulevard of S.-Germain, an arched plaster recess in which a bust of Jean Mabillon stands. The *Cabinet des Chartes* was also dissolved. Napoleon made an abortive move to reorganize it, announcing his intention in some confused talk about "creating civil Benedictines, reunited in a sort of Port-Royal lay-society." The revival of the *Cabinet* was delayed until during the Bourbon restoration in 1823 and 1829, when it was called the *École royale des Chartes,* carried down to our own times as the *École nationale des Chartes.*

CHAPTER TEN.

Proximate Antecedents of the *Monumenta Germaniae Historica* 1699-1807.

Italian historiographical interests might more properly have been considered in a previous chapter: yet the chief work of Muratori, the Italian *Scriptores*, so much more nearly in some respects approaches the type of national collection of sources represented by the *Monumenta Germaniae Historica* than do the French collections of the same period, that it is not inappropriate to begin this chapter with Italy's share of influence in setting the standards of the German historical science of the early 19th century.

While in Flanders the criticism of Papebroch was challenging pious conservatism to prove that its reverence for legend was something more than mental laziness; while in France laymen like Fréret in the academies and religious like Mabillon and his assistants and successors were clarifying the principles of source-criticism and defending historical certitude against the skeptical trend and against the hypercriticism of rash generalizations on the basis of insufficient evidence—in Italy, documentary interest, though alive and healthy, had been making, until the time of Muratori, no advances to compare with these.

We have mentioned the collections of Mombritius and Surius. The compilations and collections of Ferdinando Ughelli (1595-1670) were contemporary with the earlier Bollandist researches, but lacked the advantages of the latter diplomatic and other scientific methods won by these and by the Maurists. Ughelli had given cordial and generous aid to Henschen and Papebroch during their documentary tours in Italy. Coleti (1680-1765) in his new edition of Ughelli's *Italia Sacra*[1] was aided considerably by Baluze and Hardouin, especially by Labbe and Consort.[2] The vastness of the attempt of Mansi (1692-1769) in his conciliar

[1] First published in Rome, 1643-1649, 9 Volumes.

[2] *Cath. Encyc.*, IV, p. 99.

collection (1758-1798) largely defeated his critical aims. Fourteen of the thirty-one volumes of the *Sacrorum Conciliorum nova et amplissima collectio* were published in his lifetime, the rest finished from his notes. In spite of haste and incompleteness, these Italian works supplied necessary material for ecclesiastical and dogmatic history.

Among the less immediate antecedents of the German *Monumenta*, the works of Vico and Muratori, so far as Italy is concerned, stand out with a special distinctness. Vico (1688-1744) shared with his French contemporaries the conception of history as a process of change and progress in knowledge, but in his thought the study was less one of institutional structures and of intellectual advance, and more a tracing of vital growth and retrogression, and in these he laid a greater stress upon the constructive functions of the sensitive and intuitive side of human nature and the power of imagination. He, like Perrault and Fréret in the discussion of the *Académie des Inscriptions*, weighed the question of the earlier traditions of Roman history, and his theory of a primitive activity of the poetic imagination, in which events were symbolized and cast into the form of songs and heroic legends, or personifications and dramatizations of the human struggle with natural environment, was a nearer approximation to the later views of Niebuhr than the more negative criticism of de Pouilly or de Beaufort; though Flint disagrees with Niebuhr for charging de Beaufort and inferentially de Pouilly with Pyrrhonism.[3] Thus in Vico distinctly appears that organic evolutionary conception which underlay the historical views of the German Aufklärung and of the nineteenth century afterwards. His philosophy regarded the

[3] (France, p. 260). On Vico, appraisement of his place in historiography properly begins with M. Michelet: *Oeuvres choises de Vico*, preceded by an introduction on his life and work, and containing memoirs, writings: "The New Science," letters, etc. Paris, 1835. Other studies are Otto Klemm: *G. B. Vico als Geschichtsphilosoph und Volkspsycholog.* Leipzig, 1906; Robert Flint: *Vico*, Edinburgh and London, 1884; Benedetto Croce: *The Philosophy of Giambattista Vico* (Trans. by Collingswood). New York, 1913. The two-hundredth anniversary of the publication of the *Scienza Nuova* was celebrated last year by the Catholic University of the Sacred Heart in Milan by a commemorative volume in which the Catholic character of Vico's thought is vindicated against interpretations such as those of Croce and other immanentists.

cultural development of man as a series of cycles of growth and retrogression, in which no cycle repeated exactly the course of its predecessors. Here too, we see prefigured that double emphasis on variety and continuity which we noted in the historical views of Lessing, Herder, and particularly emphasized by the historians Wegelin and Schlözer; for Vico sought for transitional stages between the brutes and man, and between types and species generally. Like Grimm, too, as well as Niebuhr, and their predecessor in this respect F. A. Wolf, he regarded the earliest poetry and myth as, not so much the inventions of individual genius, but as the outgrowth of a social *milieu*. It is consistent with his general philosophy that his aesthetic theories should have been part of that Romantic influence from Italy which influenced men like Lessing and Goethe through the Swiss scholars Bodmer and Breitinger.[4]

E. Chiochetti, in the Commemorative Volume issued at Milan in 1926 (see note 3) tells us that Vico came to regard as of doubtful consonance with Christian revelation those aspects of his evolutionary views which anticipated the later "transformism," and retracted or modified this aspect of his opinion. With regard to this change of opinion, it would seem that ecclesiastical censure or admonition was in no way involved.

It is, however, the great name of Muratori (as well as those of Mabillon, Montfaucon, Bouquet and the other Maurist collaborators) which at once occurred to Stein, Böhmer and Pertz when they looked to the past for inspiration in the beginnings of their enterprise.

In all his many-sided and voluminous discussions, whether historical, aesthetic, moral, theological, or (for that day) sociological, Ludovico Antonio Muratori was preeminently the critic, and a critic who judged, not from the footing of the quicksands of fundamental doubt, but from the standpoint of tested principles and criteria. If the course of the French Enlightenment had been influenced by minds of his type, instead of by the superficial philosophies suggested by Bayle and continued by Voltaire, the history of France, and hence of all Europe might have been

[4] J. G. Robinson, *op. cit.*—Gooch traces the origin of the term Aufklärung to the frontispiece of one of Wolf's works, in which the sun was represented breaking through the clouds.

much different. Even as it was, the keenness of his attack upon important questions of the day gave occasion for Francesco de Sanctis to dub him the Bayle of Italy.[5] Muratori indeed reflected something of the impatient and restless negation of the period, but being an Italian and a Catholic, he believed in documentary study as the only sure foundation of historical certitude, and his researches completely cured him of the early impression he had derived from humanistic traditions, that the mediaeval world was "a long stretch of intolerable barbarism."

Of his many works on every variety of interest mention here need be made of his first volume, which won him his European reputation, the *Anecdota Latina* published in 1697, containing accounts of discoveries in the Ambrosiana of Milan, including the so-called Muratorian Canon, which threw significant light upon the history of the formation of the Scriptural canon in the Church; in 1700 and 1702 appeared two works of literary criticism in which the justice of French classical censures against certain romantic affectations in Petrarch, Tasso and Ariosto, is fully acknowledged, and yet the rather prosaic standards of neo-Classical "good taste" are in their turn corrected by an insistence on the necessity in art of the not of "strangeness" and surprise:[6] the two volumes of *Antichità Estensi ed Italiane* (1714-1720) were not only in themselves of great historical value, but they bring us into connection with the parallel researches Leibnitz was making for the House of Brunswick, and the discovery by Muratori of its common origin with the house of Este in Lombardy, which occasioned the correspondence between the two great scholars and savants. This correspondence, though friendly and mutually helpful, had some slightly bitter aftermath in Muratori's feeling that Leibnitz had used some communicated material without due acknowledgment. Muratori's connection with the house of Este at Modena also brought him into a conflict with the Papal government over the rights of the Este family to Comacchio and Ferrara. Although his evident unfriendliness to the temporal power of the Holy See hindered his ecclesiastical preferment, it had no effect in prejudicing Benedict XIV or Clement XIV against

[5] Thomas J. Shahan in *Church Historians*, p. 218.

[6] Robinson, *op. cit. Della perfetta poesia Italiana* (1700); *Reflessioni sopra il buon gusto nelle scienze e nelle arti* (1702).

the boldness and freedom of his writings, and both of them took pains to reassure him openly and personally of their esteem and respect, when he was under attack from other sources.

It was the realization that Italy had fallen far behind the advance that was then being made in French documentary research and criticism, that spurred him to his greatest task, the collection of materials for Italian mediaeval history. In planning this task, Muratori, like Rosweyde in Flanders, envisaged a work far beyond the capacity of any one man comprehending "ancient histories, universal and particular," including accounts of the mediaeval period that "had not seen the light but were preserved in different libraries to the loss of learned literature or at least without profiting it." The difficulties in collecting material were great. Many of the most important manuscripts needed by Muratori were in private libraries, whose owners often suspected that historical publication might in some way affect their rights or privileges. Local jealousies also naturally entered into the matter, and Genoa, Lucca and Venice were hostile to the historiographer of the Este family. He was obliged, he said in 1722,[7] to deal with "suspicious, ignorant and envious people." The monumental work appeared first in 1721, under the title *Rerum Italicarum Scriptores ab Anno Aerae Christianae Quingentesimo ad Millesimumquingentesimum,* mentioning as the depositories from which the sources were taken the Ambrosian, the Estian and "other distinguished libraries." An innovation in the collection was the inclusion of vernacular histories as well as Latin works, and the "ab orbe condita" introductions were omitted or cut unsparingly. The work was approved both by Imperial and Papal censorship, and was praised by Montfaucon from France, and by Scipione Maffei, Ugo Foscolo, Cesare Balbo and Alessandro Manzoni. The last of the twenty-four folio volumes appeared in 1738. Carducci called Muratori the Ezechiel of Vignola, who had revived the dry bones of mediaeval Italy.[8] Like the Maurist collections of the *Historians* of Gaul and France, the *Scriptores* was rich in what the Germans call *Kulturgeschichte*, supplemented by discussions and illustrative material, in the discursive appendix to the *Scrip-*

[7] In a letter to Sassi, the librarian who succeeded him in the Ambrosian library at Milan.

[8] Shahan, p. 228.

tores, the *Antiquitates Italicae Medii Aevi* (1738-1743). In the *Scriptores* and the supplementary *Antiquitates,* and even in the time-period of the sources included (500-1500 A. D.) we discern more clearly than in the French collections, the germinal prototype of the sections of the *Monumenta Germaniae Historica.*

Thus, the cultural interests of Leibnitz, his rôle in founding scientific institutions in Germany and his influence in bringing courtesy and mutual respect to bear upon a vital problem that runs throughout all mediaeval study and research in modern times—the wide divergences of view that must exist between Catholic and Protestant scholars; the legal diplomatic of Hermann Conring, the Helmstadt polyhistorian; the discussions in the *Académie des Inscriptions* between de Pouilly, Fréret, and de Beaufort; the conferences after Vespers at St.-Germain-des-Près between Baluze, DuCange, the brothers de Valois and other learned laymen, with the Maurist scholars; the keen and courageous scrutiny and equally vast labors of Rosweyde, Henschen, Bolland, and with his critical advances, the trials, the fortitude, and the charity of Papebroch; the great genius, the great opportunity and the great achievement of Mabillon; and finally the labors of Montfaucon, of Bouquet, of Martène, Tassin and Toustain, and the keen and unresting critical activity and the remarkable accomplishment of Muratori—all these names from the France, Italy and Germany of the seventeenth and eighteenth centuries give us the background of achievement and aspiring endeavor in source-study and source-collection without which the German historical scholarship of the early nineteenth century cannot be explained.

The diplomatic tradition of Mabillon had a history of development in Germany beginning with a dissertation by J. N. Hertius at Gieszen in 1699, and ending with treatises by Karl T. G. Schönemann of Göttingen between 1801-1803. According to Rosenmund [9] the earliest of these scholars, Hertius, Eckhardt of Jena, whose introduction to diplomatic appeared in 1742, and Joachim of Halle, whose similar *Einleitung* appeared in 1748, added little to science except some adaptation of the principles to German documents. Gottfried Bessel at the Gottweig monastery in lower Austria, in the *Chronicon Gottwicense* (1732) which he compiled and edited with Joseph von Hahn, the later titular Bishop

[9] P. 31.

at Bamberg, a work which is valuable as the first scientific treatment of mediaeval geography, modeled his diplomatic on Mabillon, but in spite of great care in the examination of royal charters and their distinguishing marks, failed to attain sure results because of the paucity of material at his disposal. Yet it won praise as the first approach to a general diplomatic of the German Imperial period. Joseph Heumann at Altdorf in 1745 reviewed the Imperial charters from Charlemagne onward, but had scarcely any original documents to scrutinize. He consoled himself with the idea, condemned as erroneous by later diplomatic, that the internal characteristics of a charter (those observed in a copy only) may prove spuriousness where all external marks may seem genuine. Yet his concentration upon internal marks led him in other respects to surer results: He discovered from study of the content of charters how important knowledge of legal conditions of the time was for their interpretation; and how they revealed, in turn, those conditions; and from the Carolingian documents Heumann was able to draw important conclusions about the early constitution of the Empire. The appearance of the *Nouveau Traité,* Rosenmund seems to infer, by its influence in the direction of over-systematization, interfered with the further development of Heumann's idea by other scholars. Heumann's *Commentarii de re dipl. Imperatorum* on the Empresses and Queens appeared in 1749. Christopher Gatterer at Göttingen, however, was inspired by Heumann's conclusions to draw up a plan for a *Germania Sacra,* in which charters would be used as a documentary basis for history, and a history of a noble family was published by him in 1755 which contained many documents, successfully treated in this way. When in 1759 he became professor of history at Göttingen he held diplomatic seminars and founded a *museum diplomaticum* in which original documents, as well as examples of printing and writing of every kind, copies of seals, monograms, and other signs of certification were kept. The influence of the *Nouveau Traité,* however, started Gatterer in the direction of systematization, and in emulation he planned a new doctrinal system in his *Elementa artis dipl. universalis* (1765). He divided diplomatic into three branches of study—Graphic, Semiotic, and the study of Formulae. This system in Germany won general acceptance, but contained, says Rosenmund, a grave defect in its classification together of

seal, monogram, chrismon and certification under the head of Semiotic. Gatterer lost himself in the ramifying details of his system, and this theoretic over-technicality, while it had vogue for thirty years in Germany, tended ultimately to create a reaction against the whole science parallel to the similar reaction against the scholasticism of Christian Wolff based on Leibnitzian philosophy. Gatterer's last works on Diplomatic were published in 1798 and 1799.

Gatterer's pupil, Karl Traugott Gottlieb Schönemann was aware of this defect and in his *Versuch eines vollständigen Systems der allegemeinen, besonders älteren Diplomatik* (1801-1802) and *Praktische Diplomatik* (1800-1804) attempted simplification. In Schönemann there was something of a return to Mabillon's method and an attempt, not altogether successful, to escape from the more arbitrary and theoretic schematizations of the *Nouveau Traité* and of Gatterer. But Schönemann's reform came too late. Diplomatic study in Germany had been associated in the minds of scholars with valid charters that were the basis of living rights and privileges, the historical interest of which, however clearly seen and recognized by Heumann, and at first by Gatterer, was generally regarded in the light of these proprietary and legal values. The same revolution which dismissed and disbanded the Maurists and compelled the Bollandists to hide their manuscripts in the keeping of the faithful peasants of Flanders, had so affected German affairs as to change, at one stroke, in the dissolution of the Empire, the whole legal complexion of the nation, depriving thousands, nay hundreds of thousands of documents of legal validity. If facts could justify Puffendorf in his criticism of the weakness of the Empire, he was fully vindicated. The *bella diplomatica* were now indeed a thing of the past. It almost seemed for awhile that the very science of diplomatic itself might become an antiquated curiosity, like astrology or alchemy. Such was the power of the association of ideas, acting in connection with a rapid change of legal status, in discrediting a discipline which, however, it may have been over-systematized, was nevertheless a science, and an essential one for the knowledge of the past.

Fréret, in making his distinction between the "spirit of method" and the "spirit of system"[10] had been most pertinent, even pro-

[10] Flint (France), p. 257.

phetic; for just the difference between those two spirits is what was illustrated by the original method of the *De re diplomatica* itself on the one hand, and on the other hand, its elaboration by Mabillon's pupils in the *Nouveau Traité,* and following this, in the schematizations of Gatterer in Germany. Yet if the later eighteenth century erred on the side of over-classification, its attempts to bring some kind of order and arrangement into the various fields of knowledge, to classify subjects and condense information for ready reference by the average reader, helped to exercise faculties and to develop expertness that were soon to be needed in an unexpected way, when the revolutionary changes poured forth the enormous documentary material that had formerly been more difficult of access. The *Directorium* formerly published by Freher was re-edited by Hamberger in 1772; a work still of great use, was Joh. Albert Fabricius' *Bibliotheca mediae et infimae latinitatis* 1734-1736 re-edited by Mansi in 1754. Among the German collections of the eighteenth century were those by J. B. Mencke in 1728 and by B. G. Struve, who re-edited the collections of Pistorius and Freher in 1717 and 1726. As an additional guide to sources, appeared in 1734 J. P. Finke's *Index in Collectiones Scriptorum rerum Germanicarum,* edited in Leipsig.[11]

In the age of Leibnitz attempts had been made by himself and others to win support for a general German collection of sources, to be a collaborated affair, as it was then evident that such a work would be beyond the powers of any single scholar. A plan for a *Collegium universale eruditorum in Imperio Romano* had been circulated among scholars by Johann Christian von Boineburg, councillor of Johann Philip, Electoral prince of Mainz and a friend of Conring, Leibnitz and Forster. It was designed that Mainz, where the imperial archives were kept, should be the headquarters of this enterprise, but after 1670, the matter was dropped, though often suggestions in this direction resulted in the founding, in 1651 and the chartering in 1677, of the *Academia Leopoldina Naturae Curiosorum.* In 1651 a like plan was published by Paullini of Eisenach, a scholar at the time suspected of forgeries. This plan was enthusiastically taken up by Johann Ludolf and others, and invitations were sent to scholars in 1688. But by 1695 it was clear that Imperial support would not be forthcoming, and Ludolf

[11] **Wattenbach, I, p. 18.**

wrote to Leibnitz: "As to our historical *Collegium,* I have hardly more to say, than that everything has frozen." The Duke of Würtemberg guaranteed the costs of a scholar named Pregitzer in a journey of research through the archives of Swabia, Switzerland, Burgundy and France. The report of this journey is in the Göttingen library, but there was no further result. Wattenbach attributes these failures to the French education of the nobility, the pedantry of scholars, and the low ebb of patriotic feeling.[12]

The defects of the scholarship of the time were clearly described by Johann G. Eckhart, the assistant and friend of Leibnitz, who, as we observed, had learned much from the French academicians and from the Maurists. In his own collection, however, the *Corpus historicum medii aevi* (1723), Wattenbach sees the same defects Eckhart himself criticised, though he added valuable material to that already published.

In the first volume of the *Archiv* of the Society for the Knowledge of Early German History a full account of the various attempts to found a national historical association is given. In the eighteenth century the need was increasingly and ever more definitely felt and expressed, as the achievements in France and Italy were realized. The most definite, perhaps, of such expressions was that by J. S. Semler, (1725-1791) the rationalistic theologian of Halle, in his *Essay on the Facilitation of the use of Sources in the History of State and Church* (1761) who stressed the need of separating original from derived material, and of careful and sound textual criticism. In this connection the name of Semler has significance, not on account of the negative tendencies of his conclusions in Biblical study, but because in his source-study he emphasized the importance of interpreting texts in the light of their historical setting and connections, not by *a priori* deductions drawn from the source-statements in the sense in which they might most easily be taken by later thought. Hence in Semler is a clear indication of the collapse of the Reformation polemic based upon the assumption of the self-authentication of Holy Scripture. Though Semler himself, from his general negative standpoint, could never have become a discerning student of mediaeval history, yet it is to be noted that his appeal is to history and to source-scrutiny; and his clearly-stated analysis of the needs

[12] I, pp. 14-16.

of a German source-collection showed signs that if ever such an undertaking should be launched, it was not likely that the Protestant scholars in it would approach their task in the spirit of Flacius, of Calvin, or even of Scaliger.

Semler's colleague, Krause, at the former's suggestion, published in 1797 an edition of Lambert as a sample-piece of such a collection as Semler contemplated; but Krause died before the matter could be carried further. Gatterer's diplomatic studies naturally suggested the importance of a national collection of sources, and he outlined a plan for it. In 1798 G. F. Röszler, in Tübingen, published an edition of the oldest mediaeval chronicles, but the magnitude of the task with its critical requirements proved too great for continuance as an individual enterprise.

With the name of Johannes von Müller (1752-1809) we come not only to the direct suggestions of the plan for a national society for the collection of sources which bore fruit in the minds of Savigny, or of Stein, or of both; but in the cultural interests of his life we see a kind of foreshadowed personification of the spirit of the enterprise. Born in Switzerland, and with the traditions of the struggle of the Cantons for national unity inspiring him in youth with the vivid sentiment of patriotism, he later became powerfully influenced by the thought of the French Enlightenment, in particular of Voltaire. His master in historiographical training was Schlözer, from whom he received the idea of Universal History in the later Aufklärung sense, the aim to examine the economic and cultural developments of all nations in their mutual relationship. Contact with the south-German circles of learning brought him into sympathetic contact with Catholic institutions, and while lecturing at Cassel he published an account of the journeys of the Popes, the tone of which suggested to the friends of the Protestant *Pfarrer's* son that his conversion was imminent. The revolutionary period, however, drew him into the excitement and distractions of political life and he wrote a pamphlet on the League of Princes while librarian under the Elector-Archbishop of Mainz, whom Baron von Stein, together with the grandfather of J. F. Böhmer, induced to join the Fürstenbund under Frederick the Great. The French occupation of Mainz later drove him to Vienna, where he was for some years Imperial librarian and aulic councillor. From Vienna he was called to Berlin and was

made court historiographer, war councillor and member of the Academy. His patriotism tested by the dark prospects of Germany and the seeming invincibility of Napoleon, he entered the latter's service and was appointed secretary of state, privy councillor and superintendent of public instruction in the new kingdom of Westphalia. All this time he was composing, first, his history of the Swiss confederation, breathing an intensely national spirit, and, next, his universal history, with many other works, which were published by his brother with valuable letters and other memoirs at Tübingen between the years 1810-1819. The earlier volumes were out before 1815, and Stein was acquainted with them. In the seventeenth and eighteenth volumes were three letters of von Müller to two German scholars. The first was addressed to Johann Christian Pfister, at the time Deacon in Vaihingen, dated March 4, 1805.[13] "You are really excellent in research as well as in composition; lately I had occasion to think of you as the erection of an association was spoken of, which, it was wished, might undertake a complete collection of *Scriptores rerum Germanicarum* of Muratorian type. As to time-limit (*chronologisch*), with use of the best editions or if a co-worker had this or that codex, within fifteen years about thirty volumes, it was thought, would be produced. Subscriptions would be gathered and if, as is to be hoped, these should be sufficient, a right good salary would be fixed for each. Do you care to take part? It is to be wished, and there is a demand for it, that in different circles co-workers may be found; each of them then would undertake what he is best acquainted with, for which he has the best resources."

After the depressing events of 1806, on August 11 von Müller wrote to Deacon Clesz in Schorndorf, with whom he had also, evidently, been conferring on the matter: "The collection of the *Scriptores rerum Germanicarum* is not forgotten; but the time is not favorable; neither princes nor publishers now support the

[13] Harry Bresslau: *Gesch. der M.G.H.* p. 4; von Müller's *Werke*, Tübingen (1810-1819), XVII, p. 316.

Von Müller's writings had a special importance both for Pertz and for Böhmer, as well as interest for Stein. These writings were with one or two other secondary presentations of history, the only exceptions Pertz made to his rigid rule of reading only documentary sources for history. Böhmer's letters are full of repeated allusions to von Müller's works, and appreciations of them.

interests of the blessed (*selige*) Germania. Perhaps—perhaps she will rise, renewed, more lovely than ever (for what has been, that we know, and we see what now exists; but who knows what can come to pass?)"

On September 22, 1807, the year at the end of which von Müller accepted from Napoleon the Westphalian posts, after having been received in audience by him the previous November, he writes once more to Pfister: "The idea of the *Scriptores rerum Germanicarum* is like so much else nowdays—impraticable; yet it should not be abandoned. It may be a noble prince desires to earn from the nation this glory. Even here in Berlin more will come about in the future if the idea of a great university with a national institute, and all the plans and arrangements connected with it so far, can be carried out."

CHAPTER ELEVEN.

The Mediaeval Tradition of Source-Valuation.

The foregoing survey of developments in source-criticism and historiographical interests and perspectives more especially in Germany, from the early Middle Ages to the early decades of the nineteenth century, is not to be judged as if it were an attempt to give a complete history of source-criticism. It is an attempt to trace that history with special reference to the inheritance of valuation, method and achievement which made possible a specific historical enterprise, the *Monumenta Germaniae Historica,* and to suggest subject-matter for comparative study of progress in the scientific aspects of research between this enterprise and previous efforts in similar directions. In such a survey we have not attempted to go far into technical aspects of the subject beyond such as were suggested by the studies we have been consulting; but rather, by some consideration of the contemporary events and cultural conditions and issues of each general period, to indicate how movements in the direction of historical science are to be estimated in relation to the non-scientific interests of the times which produced them, the religious and speculative controversies, the political and social issues, the existing state of material civilization which characterized those times, and to trace some of the casual or contributory connections between those conditions and issues in successive periods, with historiographical developments.

It is now our task to review some of the outstanding results of this study, to bring it into more immediate connection with the early history of the *Monumenta Germaniae Historica*, to sketch briefly that early history, as far as the entry of George Henry Pertz into the enterprise.

In the three chapters on mediaeval historical criticism and legal diplomatic in the German Empire from 551 to 1275, we observed that generally underlying all mediaeval historiography was the assumption that the culture and institutions of antiquity were not

parts of a closed and dead past, but that it was still possessed as a continuous inheritance. The attitude of the Gothic, Lombard and Frankish historians combined with this assumption that they shared the Greco-Latin heritage, a similar attitude toward their own racial traditions, without betraying any sense of fundamental conflict between the two elements of inheritance.

Connected with this characteristic attitude, and supporting it, was the Patristic tradition of "Universal History" which the mediaevals inherited from the chronology of Eusebius and St. Jerome, and the historical perspective of St. Augustine's *City of God*. This traditional historical synthesis was not in itself formulated in any final and dogmatical form; it was susceptible of correction and re-interpretation, even of complete revision without affecting its essential features. But it was built upon inferences drawn from dogmatic faith, from definitions that were theological, bearing upon an over-ruling plan of Divine Providence in human affairs, a doctrine of the Fall, of human dependence on Grace, of the central position of the Incarnation in history, of the Divine institution of successive dispensations in the plan of Redemption, all combined with a recognition of the freedom of the human will and with a definite recognition of certain limited potentialities in fallen human nature which necessitated the recognition of positive value in pre-Christian and non-Christian culture and civilization, and also necessitated discrimination between the more and the less wholesome elements and achievements in Pagan societies. In such a view of universal history we found ourselves compelled to recognize the exercise of critical faculties, and further, to acknowledge that dogmatic belief directly stimulated that critical and discriminative outlook.

The work of Berthold Lasch in particular supplied sufficient and abundant evidence of the way in which this moral and spiritual criticism gave occasion for at least a rudimentary yet an unquestionable criticism of fact and source. The first and most important stage of such discrimination was found at the outset in the preference of Jordanes for written over oral tradition, and in the attempts of Gregory of Tours to harmonize varying testimony in sources. Controversy later sent Hincmar of Rheims to compare codices of St. Augustine's writings, and to weigh evidence for authenticity by internal scrutiny of passages in their connection in the text.

Social conditions in the early Middle Ages unfavorable to historical veracity and impartiality were considered in the light of evidence in Ellinger's study of *Truth and the Lie in relation to Public Opinion from the Ninth to the Twelfth Centuries,* and were found, we believe, sufficient to account for the crying abuses of documentary falsification and the condonation of untruth shown in the instances adduced by Ellinger. Neither in Ellinger nor in Bresslau, can be found a particle of evidence that at any time the alleged maxim was current that "the end justifies the means," and they draw this unwarrantable inference of supposed indoctrination only from conduct under stress of motives which have never needed the aid of such indoctrination.

The history of legal diplomatic traced by Bresslau from the Frankish period to the thirteenth century supplied us with important material for insight into the cultural and institutional issues of different mediaeval periods. It exhibited the combination of Latin and Germanic institutional tradition in the Frankish courts and chanceries, the separation of these traditions after the Carolingian Empire and the prevalence in Germany of national and racial custom to the detriment of documentary valuation, and the subsequent re-combination of these traditions through the growth of commercial and cultural intercourse and the development of the notarial profession, as well as by a better mutual readjustment of the various elements of mediaeval social groups.

As the historiographical concomitant of this progress in the mediaeval social conditions and the growing consciousness of a common civilization, we saw in Heriger of Lobbes and in St. Bruno of Querfurt from the beginning of the eleventh century onwards an increasing aspiration for impartiality and veracity in historians, the signs of which are typically mediaeval and Catholic, the significance of which is wholly lost when they are regarded as accidental approximations to the later standpoints of humanism and the reformation. In St. Bruno of Querfurt's rejection of unreliable source-matter in the recension of his biography of his predecessor as the Apostle-martyr to the Prussians in 1008, just a year before Bruno met in Prussia the same martyrdom as that of St. Adalbert, which he had recorded, we have the prototype in historical criticism of the Bollandists and the Maurists in the seventeenth and eighteenth centuries. Mabillon and Papebroch

could look back to a martyr as one of their mediaeval predecessors, while by token of the same fact, Prussia can look back to the foundations of its Christian history as having been laid in the blood of a mediaeval source-critic!

In Othlo of St. Emmeram in the eleventh century, progress in biographical source-scrutiny continues in his use of letters to and from St. Boniface, and in his choice between more and less reliable accounts of St. Wolfgang. In Ekkehard of Aura's work we have evidence of that increased advantage of more abundant historical material which is also evident in the contemporary work in France of the monks of St.-Denis near Paris (1125-1150) and which coincides with the beginnings of Gothic architecture and other creative community and guild activities. Ekkehard of Aura represents advance in chronology and clear statement of problems arising from source-contradictions and discrepancies. Adam of Bremen, even earlier, represents increased boldness in detecting and rejecting falsified evidence, and a better balance of judgment in estimating the relative claims of written and oral testimony; and he lived long enough to profit by the general increase of material before 1145. Otto of Freising marks the climax of typical mediaeval historiography, embodying, with Sigebert of Gembloux and the Chroniclers of the Bishops of Cambrai, zeal for impartiality, laborious examination of varying testimony, careful chronological calculation, together with the other merits of his predecessors Othlo, Adam of Bremen and Ekkehard of Aura, with the additional advantages of a mind trained in scholastic discussion, which doubtless helped to bring him into the beginnings of the history of the exposure of the greater mediaeval forgeries in the misgivings which he expressed about the Donation of Constantine. Our study of the progress of criticism in the twelfth and thirteenth centuries, when compared with the progress made in the same line in the fifteenth and sixteenth centuries, leads to the quite secure and moderate conclusion that the response made by the mediaeval chroniclers to the source-advantages for comparative studies in their time compares most favorably to the use made by the humanists and the reformers of their far greater advantages in the means of intercommunication, in increase of material, and in the immensely multiplied facility for extended source-acquaintance afforded by the invention of printing.

In the character of the mediaeval continuation of the Patristic historiographical tradition, with its spiritual and ethical discriminations leading by natural inference to source-scrutiny and factual criticism; in the rudimentary examinations and judgments of Jordanes, St. Martin of Tours and Hincmar of Rheims, followed by the national- local- and group-isolations in the tenth century and the consequent arrest of general cultural development; in the fresh advance toward discrimination and decision and the scientific attitude from the eleventh to the thirteenth centuries; in the history of the struggle of the legal parchment for the recognition of its independent evidence-value against racial traditions that would have left truth and justice at the mercy of the *mächtige Person* (traditions which it is not too far-fetched to trace in later times, in the systematic evasion, by the authorities of the Congress of Vienna, of the national demand for written constitutional provisions for Germany, in the refusal of Frederick William IV of Prussia, before 1848, to sign a charter "a blotted parchment, to rule us with paragraphs, and to replace the ancient, sacred bond of loyalty"[1] and in Bethmann-Hollweg's characterization of the treaty-rights of Belgium as a "scrap of paper"[2]) in that struggle of Latin institutional tradition against the Germanic tribal tradition of authentication by combat or by the force of the military leader—a struggle in which the Latin tradition won without suppressing German nationality; in all these evidences of conflict and readjustment, of a common bond of institutional and dogmatic faith preserving, judging, re-interpreting and re-applying the traditions of an older world and compelling them to adjust themselves to each other under Christian conditions, we have seen the clear outlines of an operative law of progressive development. The characteristic problem of mediaeval civilization stands out in the gradual conquest of Germany by the sealed and notarially certified parchment as by the Norman conquest of England, as the problem of a conflict—not between a hide-bound and vested conservatism on the one hand and a destructive radicalism on the other, nor as a competitive strife looking to the extinction or the permanent subjugation of the weaker groups and interests—but

[1] *Encyc. Brit.*, XI, p. 66.

[2] G. P. Gooch: *History of Modern Europe*, 1878-1919 (New York, 1923), p. 554.

a struggle for repeated readjustments of social factors, each of them assumed to be permanent, each of them grouped around the uplifted standard of some racial or institutional or legal-political heritage from the antique world, and vindicating its rights on the basis of its interpretation of that tradition: the Empire, with its confused and restless memory of an absolutist despotism which was baffled by every mediaeval condition confronting it; the national monarch, subject often to uncontrollable rage because the sacredness of his anointed person did not give him the unlimited power of the Viking sea-rovers, his ancestors; the knight, with his double inheritance of clan-chieftainship with that of the mounted Roman legion commander, fortifying himself upon his castled crag, and regarding with a contemptuous wonder, half predatory and half protective, the growth in the religious communities, in the villages and towns, of the arts of peace; the civic-republican tradition in towns of Italy, of France, of the Rhine and the Baltic, of the Swiss mountains and the Flemish lowlands, fighting over again in their histories the battles of the Plebs and the Patricians as the subterranean tradition of the old *collegia* and the Solonic industrial organizations of pre-historic Ionia emerged once more in the guilds; in the development of the squalid villages that had settled on the site of the ancient Imperial cities of the old frontiers and in the provinces, under the protection of the Abbots and the ecclesiastical princes, into centers of the arts and of commerce, and in the growth of serfs and villeins on the lands to which they were wedded into a yeomanry which claimed share in the rights won by the cities; and as the bond of all this loose texture of social and local group-elements, with all their contrasts and incompatibilities,—the Church with the religious communities, its organization and communal life in many ways sharing the aspect of scattered and sectional character, yet because of the principle of its vital centralization at Rome, able in times of crisis to exert its power and weight on the situation as a unit, though not as an *Imperium,* but rather (considered apart from its influence as spiritual authority) as the most coherent and universal of temporal interests among many other temporal interests in whose development it was a needed factor.

To sum up our results so far as the first three chapters of our study are concerned:

When the citations of Lasch, Ellinger, and Bresslau and the biographical sketches in Wattenbach are set in their chronological connections, they show that among the mediaeval scholars historical criticism was not merely a sporadic or exceptional phenomenon, to be contrasted with the general cultural and religious standards of the times, but that it was a natural and legitimate outgrowth from those standards; and this fact becomes all the more clear when these developments of criticism are studied in connection with the known changes in mediaeval civilization. Starting with the fact which all mediaevalists now recognize, that the Middle Ages was not a closed and static system, but a changing and growing order of things, we observe, as a legitimate inference from the evidence, that this growth and change was not due to any imagined tendency to evade or to escape from the limitations placed upon experiment, inquiry or criticism through the power exercised over thought by Church authority; but that this growth and change, and the advances in criticism concomitant with it, were stimulated by those very limitations and were assisted by the dogmatic standards of the Church as well as by the active assistance of her authorities. The evidence in our authors shows that the dogmas of Providence and of a rational order in nature sanctioned and made logically imperative the application to historical evidence of the laws of probability, of common sense and universal experience, and that the ordinary application of such canons was in no sense weakened by reservations in regard to testimony, clearly recognized as extraordinary, in regard to supernatural occurrences, such as the chroniclers regarded as worthy of respect; and this testimony was weighed with greater discrimination by the later chroniclers than by the earlier ones.

Those group-motives which operate to distort truth in all ages, intensified by the peculiar group-isolations, contrasts in code and manner of life, mutual mistrust and misunderstanding especially characteristic of mediaeval, particularly early mediaeval social life, are sufficient to account for falsification and condonation of deceit; and when intercommunication and other civilized improvements increased, improvement in disinterested and truth-loving ideals accompanied them. In the scientific and conscientious aspiration for veracity and impartiality, it was the religious and the clergy who took the lead, and there is no ground for attributing

this to a revolt of lay sentiment against the clergy, as the history of the satires of the Reynard fable-cycle show few evidences of high ethical sentiment, except in the instances where they were interpreted by the clergy. Finally, the mediaeval valuation of antique traditions, of the records of the pre-Christian and the pagan past, whether Germanic or Celtic, Greek, Latin or Oriental, constituted a tradition of scholarship which the earliest of the Gothic, Lombard and Frankish historians, in common with those in Italy, Spain and Britain, received from the earlier Christian Doctors and apologists. The preservation, the correction, the improvement and the revision of that tradition during the Middle Ages was made possible only by the standards of doctrine held by the Catholic Church in their bearing upon the natural capacities of human nature, and their recognition of value in the achievements of the "natural man" in political, legal, institutional, cultural and scientific matters. For lack of such a dogmatic standard in religion, the brilliant epochs of Moslem culture and science in Bagdad and in Spain passed and formed no permanent tradition, except such as was preserved in Jewish thought, or in their influence on the disruption of the mediaeval social bond. And it was the mediaeval tradition of the valuation of antique heritage and of historical sources generally that was the only possible basis upon which humanism and modern scholarship could build, in all their later advances and achievements. The history of the antecedents of the *Monumenta* is the history of that tradition and of its later developments and corrections, and of the various assaults made upon it.

To accept such a conclusion is to be committed to a conception of critical standards, and of the pre-requisites for judicial and scientific impartiality which differs essentially from the assumptions that underlie the notion that critical thought can be found in the literature of antiquity, but that it reappeared for the first time since then during the Renaissance and Reformation periods. And, indeed, when we passed in our study from the mediaeval to the beginnings of the modern world, we did not sensibly pass from an atmosphere of partisanships and predilections to an atmosphere of clear disinterestedness and impartiality. On the contrary, we passed into atmospheres of exhilaration and distracted excitement, of bitter racial arrogance and resentment, of preoccupied

scheming for wealth and power, of intoxication with intellectual and sensuous titillations. A little later we were plunged into a storm of the most acrimonious partisan strife, in which a concentrated attack was made upon the supreme judicial function of the Christian world. Behind these conflicts racial hatred and national pride combined with dynastic ambition and with theories of public policy from which every vestige of shame and decency had vanished. Throughout all this turmoil and destructiveness, values were nevertheless preserved which made possible some most important advances in human knowledge. But of all the progress that eventuated from the Renaissance and the Reformation periods, progress in disinterested judgment cannot be reckoned as part of it. Impartiality in scholarship suffered handicaps in that period from which it can scarcely be said to have recovered to this day.

Humanism did not make a complete break with the dramatic stage of mediaeval civilization, on which so many contrasted elements played their part. In scholarship it tacitly abandoned the historiographical tradition on its universal side, and followed Livy, Tacitus and Thucydides in making the local community the center of interest; more openly humanism repudiated scholastic modes of thought; and its marked secular tone of thought and conduct gave occasion for the reformation attack upon the whole structure of mediaeval society when the peninsular cultural nationalism provoked the truculence of the northern race-instinct. But humanism could not abandon the mediaeval tradition of source-valuation and regard for antique heritage; for in itself humanism was the culmination, however defective through its secular spirit, of that long and gradual approach of the "mediaeval mind" toward understanding of the life of Greece and Rome—an approach which was registered by each new social readjustment. Italy's consciousness of continuity with Greco-Roman antiquity had been intensified by racial and local memories. The Renaissance must be regarded, in its relation to the Church and her enemies, as a thing of potentiality, rather than as a decisive factor; humanism could be used for or against the Church; and in the revival of Catholic standards after the Battle of Lepanto in 1571, the poets and scholars from Tasso to Gravina and Muratori did not cease to be children of the Renaissance, though their Catholicism was unquestioned.

The documentary collections of the sixteenth century in the German Renaissance, both the scientific and national ones as well as the polemic pamphlet-documents, cannot be justly dissociated from the general tradition of mediaeval scholarship, any more than can the Italian valuation of antique sources; and the advance in critical discernment which we noted in their publication of documents in their substantial integrity, on the responsibility of their authorship, not interwoven with other material as in the mediaeval compilations, must be regarded as in line with that development in the Middle Ages which was more marked in the history of legal recognition of documents—the advance in the direction of independent authentication of the document on the merits of its own evidence-value. Similarly the keener sensitization of the humanists to anachronism, which made possible the exposure of the Donation of Constantine and the Pseudo-Isidorean Decretals, cannot be considered as a phenomenon apart from the careful chronological comparisons of Ekkehard of Aura and Otto of Freising, and the latter's comment on the Donation of Constantine. The contributions of Flacius Illyrius to source-criticism are to be reckoned with those of Nicholas of Cusa, of John of Torquemada, as in the general line of advance within the mediaeval tradition. The Reformers, in view of their polemic purpose exaggerated and misapplied the principle of "self-authentication" of documents. They invested Holy Scripture with a specious isolation of "sufficiency," since in the bitterness of contemporary controversy the sacred documents were necessarily read, not in the light of their own evidence-value, but in the heat and smoke of contemporary rancor, suspicion and party aims. Other documents were similarly used, with glosses which gave emphasis and interpretation, not in the light of the historical setting in which they were produced, or which they might have revealed to calmer scrutiny, but in accordance with the destructive aims of the editor. Thus, a new and destructive tradition was grafted upon the old, constructive one.

The secularist trend of humanist thought, and its reaction against scholasticism, which was not the result of critical examination, but of aesthetic and literary distaste for the dry technicalities and subtleties in which the ideas of the schoolmen were presented, especially since in the decadent period of scholasticism the

subject-matter offered little compensation for such unattractiveness—deprived later thinkers of advantages which they might otherwise have had in forming canons for critical philosophy. Under the influence of violent and bitter partisanships, with the very basis of rational certitude shaken in men's minds by savage negation, Bacon and Descartes attempted to find a starting-point for inquiry so far removed from predilection and controversial bias as to be unreal and un-psychological in its negation—the *tabula rasa* of a mind cleansed of all presumptive axioms. This false and unreal idea of judiciousness we traced in its later influence on the historical skepticism of Pierre Bayle and some of his French contemporaries, and later in the superficial philosophies of the Enlightenment, which by their indifference to documentary sources of history and their undervaluation of the past, and of its chartered rights and liberties, were so serviceable to the "enlightened despotism" of the Emperor Joseph II and his tutor in statecraft, Frederick the Great, in their program of dispossession of the religious houses and of the ecclesiastical states. To offset these negative and destructive influences and their practical development in the seventeenth century, there were laid the foundations of the exact sciences generally in Bacon's discovery of the truthfulness of the inductive method. This is to be connected, not with the negations of Bacon's and Descartes' starting-point, but with the widening and the multiplying of human experiences during the era of exploration and discovery, which afforded greater material for comparative study, and compelled the minds of men to organize the materials of knowledge so as to master and utilize their environment. The fruitfulness of this wider knowledge of the globe and of mankind in various stages of culture was indirectly to enrich historiography in the later studies of the cultural stages of mankind in Turgot, in Montesquieu, and in Vico, whose comparative studies were inductive as well as theoretical. Meanwhile we saw that the main lines of progress in historical criticism developed in the seventeenth and eighteenth centuries in close relation with the rallying of forces in the defense of the institutions, both secular and spiritual, which were being undermined and attacked by that later and more systematic and logical interpretation of Protestantism known as Calvinism. The France of the Bourbons was the center of this institutional consolidation of

feudalism under an absolute monarchy, which resisted and broke the onslaught of that Calvinistic revolution which rent England asunder in the seventeenth century. In Germany the attempt of the Hapsburgs to recover Germany for the Catholic Church by force was permanently checked by the foreign policy of France, which co-operated with Swedish ambitions and with the Protestant princes to keep Germany weak and divided; and the Peace of Westphalia marked the beginning of new attempts to find common ground between Catholics and Protestants, in France, England and Germany. In Leibnitz we saw that these conferences resulted in a new way of defending Protestantism by defining cultural progress in terms of perpetual change and variation and then identifying progress with Protestantism; at the same time we noted in Puffendorf another aspect of this *Kulturpolemik* in his explanation of the weakness of the Empire since it could never become a Protestant state. Thus a new Protestant historical perspective originated from the issues decided at Westphalia, in which religious variations and divisions began to be regarded as advantageous to the State. In Bourbon France the idea of progress emerged from the "Quarrel between the Ancients and the Moderns," and the connection between this perspective and that of Augustinian "Universal History," both in similarity and contrast, is suggested in Turgot's use of Bossuet's *Discourse*. The Classical standards erected at the court of Louis XIV were cultural norms calculated to defend and perpetuate traditions of antique culture, re-interpreted for the maintenance of a modern and yet absolutist-feudal state. These standards were gradually re-interpreted in their turn in terms of a destructive "Progress" according to the ideas of Frederick the Great and Joseph II. Among the scholars and literary men of Germany in the latter half of the eighteenth century the perspective of Progress took the form of a "Universal History" of the gradual education of mankind. To this contributed the influence of the more Romantic type of criticism of the Italian scholars, as well as the influence of the French students of the history of institutional civilization. From the period of the Aufklärung the early nineteenth century German historians inherited this general view of human development, in which the evolutionary idea was strongly marked, but in them studies of language, of primitive myth and popular tradition, as well as

the genetic aspects of legal development were regarded with a fresh importance. The excavations of Pompeii and Herculaneum begun in 1763 had brought a new science, archaeology, to the aid of historical studies, and a more vivid insight into the cultural and the ordinary daily life of the antique world contributed to the enrichment of the Classical views of ancient life by interests of a more Romantic nature, encouraging the exercise of sympathetic imagination in penetrating farther than the humanists had done into the consciousness of peoples living in remote periods. The influence of the philologist Friedrich August Wolf (1759-1824) at Halle gave new life to classical studies, which he defined as the "knowledge of human nature as exhibited in antiquity" and in his famous *Prolegomena* to Homer in 1795 his theory of a social creativeness among primitive peoples in the production of epic art not only gave a new interest to historical studies, but in that emphasis which he laid on social creativeness in popular life, promulgated as it was at the time of the revolution, he brought to scholarship ideas which were vividly illustrated in contemporary developments, and which were discussed with increasing interest as men observed in France the power of a national tradition stimulated and released by a common danger and turned into a united power for the defense and propagation of the new ideas of Equality. The study of a popular social creativeness was not long exclusively confined to classical researches, since the great architectural monuments of the Middle Ages could be viewed with a new interest as men saw in them the products of spontaneous social activity. In Goethe's Autobiography he tells of frequent musings over the uncompleted Cathedral at Cologne, in which he contrasted individual art-production with the creations of the collective efforts of succeeding generations; and though his comparison is unfavorable to the latter, it reflects the influence of the Wolfian suggestion on contemporary thought.[3] Niebuhr's study of early Roman history brought to surer result the questionings as to the reliability of the sources long accepted, which we noted in connection with the discussions in which De Pouilly and Fréret took part in the French Academy of Inscriptions in

[3] Part III, Bk. 14. The unfinished *Dom* suggested to Goethe that creative work reaches perfection, not in collective effort, but in a Minerva-like birth from the brain of individual genius.

1722. And in Niebuhr's theory the Wolfian idea of collective poetic activity is prominent. In Savigny's study of legal origins the idea of law as promulgated by rulers and lawgivers gives way to a study of the economic and social life of peoples, and the growth and decline of societies is contemplated as comparable to the birth, maturity and decay of an individual; law, in this view, arising out of social exigencies in each successive development. He opposed Thibaut's proposal to codify German law on ground of the generalization that codification of law comes naturally in a period of decline, when full development can be reviewed and tabulated without fear of alteration from the entrance of new factors.

That which we especially note in the historical outlook of men like Niebuhr and Savigny, and in Savigny's pupil, Jacob Grimm, is that largely under the influence of the events of the Revolutionary and the Napoleonic periods the center of historical interest has shifted from the earlier study of institutions as regulative systems regarded as having been imposed upon social life with certain rational ends in view, as though they represented human intelligence in the governing classes ordering and controlling the masses of mankind—to a study of social life as having in itself a capacity for self-regulation and co-operation through the pressure of its own needs, and through inherited traditions applied to new conditions with the aid of inventive and experimental instinct. In this conception of organic growth and change, the idea of race and of nationality had a special and even central importance. But the nationalism of the German scholars of the historical Renaissance of the nineteenth century was not the same as the instinctive racial up-flare of resentment against Italian and French influence such as characterized the Germany of the sixteenth century. It might be, as with Dahlmann and Pertz, a partly Anglophil admiration for the ideal of moderate and constitutional liberties; it might be, as with Stein, Arndt and Görres, a greater-Germany ideal, with wistful backward glances at the now dissolved Empire; or, as with Savigny and Wilken, it might be confidence in the future leadership of Prussia, combined with a conservative regard for the Latin background of German cultural development and zeal for the prerogatives of Roman Law. In any case it was a nationalism whose racial instincts were curbed

by cultural ideals, a *Deutschtum* tempered with the thought of Germany's historical rôle in Europe, hence clearly distinguishable from the later indoctrinated biological nationalism of pan-Teutonism. Hence the common earnestness with which these and other scholars looked for access to mediaeval sources for German history. Here, at least, was the only hope for answering the standing riddle of the weak and divided state of Germany.

In the ninth chapter of our study we found that the definite basis for the historical sciences was laid indubitably and exclusively within the sphere of the mediaeval tradition of source-valuation, in the Bollandist and the Maurist researches carried on from 1607 to 1794. When all credit due is given to Herman Conring in 1672 and Daniel Papebroch in 1675 for their advances made toward a science of diplomatic, the honor of founding that science still remains with Dom Jean Mabillon. The fact which Bresslau stresses, that he had exceptional source-opportunities for his time, in the co-operation of the French Government, and of his own order in facilitating his researches, pre-eminently illustrates and confirms the contention we made in connection with the mediaeval researches of Adam of Bremen and Ekkehard of Aura, that scholars in the mediaeval tradition were capable of making ready and fruitful response to any increase of source-advantages.

The occasion which led to Mabillon's achievement in outlining the principles of diplomatic and in laying the sub-structure for paleography, was in effect the defense of the earliest mediaeval charters against the prevailing skepticism about early documents, which had been shared in effect by Papebroch, though he came to his conclusion, not on *a priori,* but on methodic grounds. How this skeptical attitude towards old charters and records could serve the purposes of the Caesarist state policy of the later decades of the eighteenth century, we shall consider more fully in the next chapter.

CHAPTER TWELVE.

The Secularizations and the *Monumenta Germaniae Historica* 1780-1823.

The program of "enlightened despotism" which the Emperor Joseph II, under the tutelage of Frederick the Great and with the approval of the English and French governments carried out from 1780 until the French Revolution extended it in an intensified form, brings us more directly into connection with the documentary situation in Germany after the Battle of Waterloo, which situation suggested to Baron von Stein the pressing need for collection and preservation of the scattered and hidden documents and monuments of the past. During the Josephist regime alone 758 religious houses in Germany were suppressed, their libraries and archives confiscated or lost and scattered, on the pretext that these community centers and all their works were useless to the State. The type of culture which inspired this destruction may be divined from the treatment accorded to the Bollandists by Imperial agents and commissions. The Jesuits had been suppressed in 1773; but the Bollandists, who enjoyed the favor of Maria Theresa, were permitted to continue their labors in the Abbey of Caudenberg in Brussels. The death of Maria Theresa in 1780 soon unleashed the forces of official enlightenment. In 1784 the Imperial Minister von Kaunitz charged the Bollandist scholars with trying to "eternize" the profits of their work, and sent a commission to report on it. By this commission the whole collection was condemned as "a historical repertory, filled with an enormous quantity of details, which will always have but slight attraction for savants." It was "rubbish," and "a poor investment"; it was "time to make an end of it." The Bollandists, setting their house in order, tried in vain to arrange with Martin Gerbert, the learned Abbot of St. Blasius in the Black Forest, to train monks there to continue the work. Martin Gerbert, it appears, did not like the Jesuits. This did not prevent his Abbey from suffering the same fate as the Bollandists in 1803 under the Bavarian Elector

Maxmilian Joseph IV, who shortly afterwards became King Maxmilian I under Napoleon. In the same year St. Emmeram of Ratisbon, where Othlo had labored over the letters of St. Boniface, was suppressed; the Abbey of Benediktbeurn—home of Carolus Meichelbeck, the "Livy of Bavaria" in the seventeenth century, the library of which had been visited by Mabillon and by Bernard Pez of Melk, both of whom had commented on the value and number of its codices—was turned into a military barracks, then into a hospital, then into a stud-house, while 400,000 volumes and manuscripts went either to enrich the court library or were scattered or lost. Those archives at St. Gall, into which the tradition-loving Ekkehard (IV) forebore to look, had already suffered pillage twice at the hands of invading Swiss, and its manuscripts had been scattered throughout Zurich and Berne; the second time in 1717, when the Abbot, Leodegar, was compelled to leave the monastery under the protection of villagers whose ancestors had been serfs of the Abbey. Similarly the Bollandists, hounded from Caudenberg in Brussels by the revolutionary invaders in 1794, left their books and manuscripts to be hidden by the faithful peasants of the vicinity, until they could be shipped in wagons to Westphalia. St. Gall was suppressed; the Abbey of St. Boniface himself, Fulda, was secularized in 1802, finally passing to Prussia, and its university closed—the home of Rhabanus Maurus, of Walafrid Strabo, of Otfreid of Weissenberg, of Meinhard; the schooling-place of Charlemagne's Einhard, and of the brilliant and scurvy Ulrich von Hütten, who assisted Flacius later to bombard the Church with documentary missiles from the vaults of mediaeval scandal; of whom his fellow-humanist Erasmus at last was ashamed. The Church and the religious houses had been assailed and looted at first in the Reformation period, and some of the properties had been given to the Protestant princes after the Peace of Westphalia in 1648 on the ground that Catholicism was untrue to the Protestant idea of primitive Christianity; now they were spoiled on the ground that Christianity was at best a social convention to be subdued to the secular ends of an enlightened State. A century having elapsed since Leibnitz defined Progress as disbelieving tomorrow what is believed today, and since Puffendorf criticized the Empire for its Italian connections, it remained for a Protestant King and a Catholic Kaiser to put these ideas

into practice. Joseph could not be a Protestant monarch, and therefore was out of line with Puffendorfian and Leibnitzian progress; but he was determined to consolidate Catholic Germany as Richelieu had consolidated France, by creating a Febronian state Church which was to be purged of religious zeal and devotion, and likewise cleansed from all documentary research and source-learning. For, knowledge of documents then meant knowledge of charter-rights, and familiarity with mediaeval sources meant acquaintance with facts that suggested a critical commentary on state absolutism far more drastic than Puffendorf's criticism of the Empire. Here we discern the political counterpart of the whole enlightenment program, with its dislike of parchments. Here, indeed, we have a key to the aloofness of the Prussian and Austrian governments to Stein's enterprise for a German collection of sources for the Middle Ages, from 1815 until after Stein's death in 1831. The letter of Count von Buol, the president of the Federal Diet at Frankfurt to Metternich is not so "silly" as Bresslau calls it,[1] in the light of this consistent policy of governments which, in the Congress of Vienna and since, took most devious ways to avoid granting their peoples written constitutions. Buol voiced a suspicion that Stein and his associates secretly aimed to prove "that in the Middle Ages no true place for territorial sovereignty was reserved, but that the estates might claim very essential rights on grounds of former usurpation by princes." The historical society had, of course, no such political aim, but it did indeed expect to have clear light thrown upon the constitutional developments of mediaeval Germany, whatever might be the political results of the dissemination of such knowledge. And that the officialdom of the time was chary of such dissemination of knowledge is evident in the sententious words of Gentz during the interview Pertz had with him at Carlsbad near Vienna, when Gentz, speaking as Metternich's lieutenant, gave this reason for caution about Pertz' request that Austrian scholars be allowed to take part in the *Monumenta:* The awakening of the historical spirit might seem very desirable; but Austria, committed to the established order, must ask, To what end is history to be used?

[1] Bresslau, *Geschichte etc.*, p. 50. Extract quoted also by Seeley, Ford and Gooch. Date, September 25, 1819.

"In a time which turns everything to poison, history affords weapons against the established order as well as for it."

We now come to the very brief sketch which must be made of the enterprise whose antecedents in source-criticism and historiographical interest we have been tracing. When we claim for this venture that it is in the line of a "tradition" of scholarship, we are using the term necessarily in a broad sense; yet we believe that our account shows that study and valuation of documents has been an interest that has been in need of conscious protection, preservation and transmission to future generations, against hostile cultural tendencies which, either from racial custom in the tenth century, or from a skeptical attitude toward past records and a general depreciation of the past as in the seventeenth century, or from systematic and radical programs of change as in the latter part of the eighteenth century, would tend to discredit and discourage documentary scrutiny. And when we claim for the *Monumenta Germaniae Historica* that it is not only a mediaeval collection of sources, but that its scholarship is in the line of a mediaeval tradition, we are only emphasizing the fact that the most difficult period for documentary valuation was the Middle Ages, and that nothing short of a tradition in the stricter sense of the word (namely the conscious preservation of something precious and capable easily of being irretrievably lost) could have supported during the mediaeval period the continuation of historic values; and we are by this claim bearing in mind the fact that the direct inspiration to which Stein, Pertz and Böhmer looked back in their earliest efforts, was in the achievements of the Maurists and of Muratori, who certainly were in the direct line of mediaeval historiographical tradition. In von Müller's letter to Pfister in 1805 the contemplated collection is designated as "*Scriptores* of Muratorian type"; in the first interview of Pertz with Stein in Nassau before the former's Vienna journey the Maurists were frequently alluded to as models of the enterprise; the references to the Maurists and to Mabillon are still more frequent in Böhmer's letters, and in his favorable impressions of Pertz expressed to Schlosser after their first meeting, Böhmer describes Pertz as a prospective "Mabillon, Muratori and Bouquet" for the enterprise.[2]

[2] Bresslau, *Geschichte etc.*, p. 4; Pertz, *Steins Leben*, V, pp. 497 ff; Janssen, *Böhmers Leben*, II, p. 136.

Our first knowledge of the entertainment in the mind of Karl Friedrich Baron vom und zum Stein, (1757-1831) of a plan for the collection of sources for mediaeval German history, is in connection with a journey in late July, 1815, on which the poet Goethe accompanied him to study Stephan Lochner's masterpiece, the Visit of the Magi, in the Cologne Cathedral. Here they were met by appointment by the poet and historian Ernst Moritz Arndt, and by a former lieutenant of Stein in public service, Privy-Councillor John Albert Frederick Eichhorn, who was then on his way from Berlin to Paris, on an official mission to arrange for the return of the art-treasures and manuscripts carried there during the conquests, Blücher having peremptorily required in the Paris negotiations that the "plunder be returned." This meeting took place July 24, a few weeks after the battle of Waterloo, and Stein was at the time using his influence, directly and through the art-critic Boisserée of Heidelberg, to have Goethe write to the Prussian government on the importance of official measures for the preservation of national monuments and records in the Rhine region, a service which Goethe willingly performed.

Stein had returned in May from the Congress of Vienna, having closed his career of public service. Throughout his official life and his active and in some instances unique rôle in the critical developments of the revolutionary and Napoleonic periods, Stein had studied events from a historical point of view, had learned much from state archives with which he had come in contact. He had long been so dissatisfied with most current presentations of history, which he thought inadequate preparations for an understanding of the times he was living through, that he had made an attempt, during his exile and prescription by Napoleon, 1808-1812, to write a history of France, and in 1811 used the manuscript of this in instructing his older daughter Therèse in history. Now that the war of liberation was ended and his younger daughter Henriette was of age for historical instruction, this motive and that of patriotism, together with his sense of the instant need of collecting important sources for national history before they should be lost, urged him to put into effect plans for a national source collection which had been discussed by scholars before and since the letters of Johannes von Müller to which reference has been made.

The talents upon which Stein's earlier public usefulness had been based, and which bear upon his historical interests, were, first an aptitude for rapid penetration into technical requirements of administrative tasks, with mastery of their details, and second, early associations and sympathies which gave him an intelligent perception of the new problems which Prussia was facing in the addition of Catholic populations to the territory of a Protestant state. Though Stein was a Protestant, and had deliberately chosen Prussian service in preference to that of Austria in the conviction that the future of Germany was bound up with Prussian prosperity, he never breathed freely in the atmosphere of Prussian officialdom, and the outlook of his intense patriotism was that which was afterwards called the "Greater-Germany" standpoint. To him, German unity was a standing dilemma which Prussia and Protestantism could never solve alone, and he never gave up the idea of Austrian leadership, though he yielded, ostensibly, to the impracticability of the restoration of the Empire. In religion, his Protestantism seems to have in general been unshaken except for certain evidences that the greatest crisis of Germany's deepest humiliation was very near to precipitating a spiritual crisis within him. From this misgiving he emerged, still a Protestant, and later a national hero and confessor, but after rash and reckless action which was far short of the clear judgment and steady leadership for which his patriot friends, including Queen Louise herself, looked to him. To plot for a German uprising was no more than patriotic, but under the circumstances the imprudence of his course astonishes Ford, an admiring biographer.

In the winter of 1815 and the year 1816, correspondence passed between Privy-Councillor Eichhorn (the Berlin official is to be distinguished from the Germanist, Karl Friedrich, his relative, who was Savigny's associate in the "Historical school" of legal science, and from the latter's father, Johann Gottfried) and Stein. Through the former, Stein had learned of Savigny's interest in a collection of sources, and as first volumes of the latter's history of Roman Law had come out in 1815, Stein took occasion to push the matter in Berlin, and asked Savigny through Eichhorn to consult with Wilken, then at Heidelberg, and Docen of Munich, to formulate a plan more definitely.

Savigny's interest in the idea was genuine, and he had already written to Jacob Grimm on the subject in 1814, when his controversy with Thibaut was as its height. But his plans were incorrigibly complicated with the idea of ordering the whole scheme so that the talents of his pupil Jacob Grimm could be used in a corresponding secretariat. He furthermore consulted, not with non-Prussian scholars, as Stein had suggested, but with Berlin academicians and public officials like Altenstein, who later became *Kultusminister,* and von Bernstorff, who was beginning his successful plan of uniting the German states under the Prussian customs-union. They and others signed his draft of a memorial to the government, which differed considerably from a draft Stein had previously sent to Berlin with suggestions by Henry von Wessenberg, who was being uncanonically retained as General-Vicar of Constance by Archbishop Dalberg, and was trying to organize a Febronian Church.

The "Berlin plan," as Savigny's memorial was called, contemplated Switzerland and the Netherlands as well as all Germany, and had much about linguistic studies and what would later be called "folk-lore." It would organize the society in local groups connected by a secretariat. Its main idea was ostensibly to promote the society through emulation between the different sections, with the idea that Prussia win and hold the leadership. Altenstein and Bernstorff, who afterwards took much pains about the society, always held in view this idea of the necessity that the Prussian Academy of Science wield a dominating influence in it. The memorial came to nothing, though Hardenberg regarded it favorably. It seemed that the matter was blocked at some point by the King's "kitchen cabinet" of favorites,[2] or else that there was other reason to think that the matter would not receive royal favor.

Stein worked loyally for the Berlin Plan, though he must have been relieved to hear of its failure, as the Grimm secretaryship seemed to him aside from the mark, and as he was specially anxious to enlist south-German interest for the idea and felt that too close a relation with Berlin might alienate such interest. Meanwhile he was familiarizing himself with catalogues of archives

[2] Ford, in his *Stein and the Era of Reform,* applies this familiar American political term to the cabal at the Prussian court.

and had made the acquaintance of Nicholas Kindlinger, a priest of Jesuit training and Franciscan antecedents, who had like other monastic scholars been turned adrift and had depended upon the patronage of Catholic noblemen in his researches. Kindlinger had a valuable collection of 200 manuscripts which he had salvaged in Westphalia, some of them perhaps from St. Blasius, or from the Bollandist collection which had been carted to Westphalia; and he was able to inform Stein about hidden or scattered codices.

The year 1817 Stein gave to his own private affairs, to efforts toward influencing the Federal Diet at Frankfurt toward a national policy rather than subserviency to the governments, and to recovering from a painful affection of the eyes. On July 21 of this year, however, he wrote to Niebuhr, who was in Rome negotiating with the Vatican in connection with the new Prussian concordat, about manuscripts such as Adam of Bremen's Saxon history, Wippo's history of Henry III, and Archbishop Christian's history of "our great Kaiser Frederick I."

In 1818 he once more attacked the matter with vigor, and after consultation with Councillor Fritz Schlosser, a man of wide culture and attractive character connected with Goethe by marriage (he was nephew of the poet's brother-in-law, and was regarded both by Stein and by Goethe with esteem and affection), he gathered around him a group of ambassadors to the Federal Diet: Lambert Büchler, who was attached as an aid to the Baden legation, he enlisted as secretary. Büchler was a young man, who entered zealously into the work, which he continued efficiently and devotedly for three years. Unfortunately his advice was not as good as his services, for he suggested to Stein, as a scholar who might be consulted and perhaps employed as chief editor, Karl George Dümgé, who, although he accomplished some solid preliminary work for the society, had faults of disposition which made leadership impossible for him, and for which his abilities were not sufficient to compensate. Afflicted with deafness, he was proportionately suspicious, censorious and quarrelsome.

Stein asked Dümgé four questions: (1) as to the approximate number of volumes, quarto, and authors to be included in the Scriptores; (2) as to stipends for scholars; (3) as to printing; (4) as to scholars likely to be interested in the work. Dümgé

proposed as later time-limit the fifteenth century, instead of the decline of the Hohenstaufens, as Stein suggested. He estimated that the work might be covered in from sixteen to eighteen volumes of one hundred sheets apiece. Only historical narratives, to the exclusion of fragments and the more meager chronicles and annals, were to be considered; the latter might be combined in a single volume with pertinent foreign sources. Frankfurt was the most fitting headquarters, since the Diet ambassadors could be enlisted, and they might intercede with their governments for use of libraries, manuscripts, etc. Two and a half Louis d'or per sheet as a maximum, one-half a Louis d'or as minimum, based on a recent university estimate, were reckoned as stipend for scholars. Eight or ten scholars could complete the work in as many years [!] Dümgé mentioned as possible workers in prospect, Röszler of Tübingen (whose publication of early chroniclers was mentioned in the last chapter); Pfister (von Müller's correspondent in 1805 and 1807); Nicholas Kindlinger, von Raumer, historian of the Hohenstaufen period, and Eichhorn the Germanist.

After the services of Dümgé were engaged as redactor, Stein succeeded in enlisting the interest of John Adam, Baron von Aretin, the Bavarian ambassador; Karl August, Baron von Wangenheim, of Würtemberg; Karl Christian, Baron von Berckheim, Büchler's chief, of Baden; Leopold von Plessen was later added. Most of these continued active, helpful and interested until their departure from Frankfurt terminated their activity in the venture. Opinions on the work were asked and received from Arndt and from Hüllmann at Bonn, where the new Rhenish university had been founded that year.

Then Stein canvassed his acquaintances among the landed nobility of Westphalia for subscriptions. Calculating from Dümgé's estimates that 30,000 Gulden were needed, he made himself responsible for 5,000, but succeeded in raising subscriptions for only 13,000, from Baron von Lansberg of Velen, territorial director von Romberg at Bruninghausen, Count von Spiegel, Dean of Münster, and Baron von Mirbach of Harff. From the Bishops of Paderborn, Hildesheim and Corvey, who may have been at heavy expense to provide for the thousands of clergy who had been turned adrift during the secularizations, there was no response. No doubt plans of reparation for the destruction and dissipation of

treasures that had been public property for the last fifty years, seemed to them properly the responsibility of others than themselves. Stein preferably sought support from the landed gentry; during this year he saw his friend Czar Alexander at the Congress of Aix, and refused a generous offer of help from this source, and also from the Russian Chancellor Rumanzoff, though he afterwards reproached himself as a fool for doing so, in the difficulties he afterwards encountered. He would ask nothing from the rich bankers or merchants of Frankfurt, writing to Merian [3] in Paris in 1820 that he did not care to have close relations with Simon Moritz von Bethmann, one of the most important of these financiers. Even reports of the hopes of royal grants he heard coolly, saying that this was all very well from a pecuniary, but not from a moral or political standpoint; "for my part, I wish that we might always accustom ourselves to carry out enterprises for common welfare by our own means." Stein was far from being a republican, or even a liberal; but in this sentiment we see how evident it had become since the revolutionary period, that princes and states were no longer capable of understanding, far less of leading, in the cultural interests of national life; and how clearly it could be felt that the Nation was distinct and even conceivably separate from the State. In all the earlier mentions of a need for a collection of sources, from von Müller's letters to the "Berlin Plan," the thought of princely patronage invariably turns up as though it were a *sine qua non*. But now, at the same time that artists like Beethoven were showing that the ages of the Medici, of Maximilian I, of the Bourbons were past, by launching their works upon the public in sturdy self-reliance, we find that the hopes of this great historical venture also gravitate to the courage and the foresight of one non-official man, and the handful of helpers he was able to rally around him.

Hence when the announcement of the plan was formulated by Dümgé and approved by Stein—with some alterations which the latter thought necessary to avoid offending Catholics—it was addressed as an appeal, not to princes or governments, as had been the Berlin plan, but to "Germany's learned and cultured public."

The announcement, which was submitted on June 24, 1818, surveyed previous plans and inceptive collections of mediaeval

[3] May 25, 1820.

German sources; it stated that the object of the collection was to make accessible to historical research all source-authors within the limits designated with the greatest possible reliability and individual integrity, so as to make superfluous all other editions of those authors. Borrowed matter was to be excluded and all matter relating to history earlier than the sixth century. Omission of borrowed material was to be noted in the text except in unimportant passages. Indices were necessary. As a step in advance of Bouquet's historians of Gaul and France, toward source-integrity, the material was not to be divided chronologically and the authors cut up into sections according to the periods treated in their narratives, but the authors were to appear in their integrity, in their own chronological order. Strict economy of space was to be used in annotation. No limit was to be set to scholars working on the editions, and the scholars might select their own work. North-Germans and south-Germans would preferably treat the authors of their own general sections. Work was not to be abandoned without notification and permission, and reasonable agreement made on unfinished work and its compensation.

This announcement was sent to all from whom interest or support might be expected. Stein then sought to enlist ambassadors for the beginning of the organization. Von Buol and Frederick Martens, the *Volksrecht* authority, declined. Hans von Gagern was interested, but was called to other duties from his representation of the Netherlands in the Diet. Negotiations were begun with the publishers: Cotta of Stuttgart estimated as cost 32,000 Gulden, Andreas of Frankfurt, something less. Aretin, Wangenheim, Berckheim, together with Plessen of Mechlenberg, met with Stein on January 20, 1819, and organization was effected.

From the organization of the society until the entry of Pertz into the work in 1820, there is much activity, but little permanent result except in increased access to material and fresh discovery of it. The organization of the society and its constitution in general was soon to become a dead letter because of the inapplicability of its main features to the vital requirements of the labor. In the executive management, vested in a *Centraldirektion* or board of noblemen and Diet ambassadors, (while scholars were admitted as "extraordinary" or "corresponding" members in a merely advisory capacity) was a reminiscence of the old Imperial

courts, in which a bench for scholars was reserved near the bench of nobles, the latter alone having power of decision. The efforts of the board to get moral support from the Diet itself were always successful to the letter, but the Diet itself was such a powerless thing that its recommendations to the governments had little or no weight, while in the eyes of the public and of the generality of German scholars, the close connection of the society with the Diet alienated support. By making Frankfurt the headquarters of the enterprise and by constituting the society in such close relations with the Diet, Stein had hoped to invest the venture with a truly national character and appeal, but since the Diet from the outset was only an echo of the anti-national and anti-liberal policy of the governments, the effect was the very reverse of that which he designed. The interest of ambassadors like Aretin and Wangenheim in the enterprise had been due to their sympathy with this national outlook of Stein, but this very fact neutralized their influence with their governments, and the most, generally, that they were able to obtain was access to the royal archives in Bavaria and the Grand-ducal archives of Baden; though the latter authorities donated the service of Dümgé as redactor by continuing to pay him a stipend for nominal service in the Heidelberg library. This grant of 700 Gulden was supplemented by 600 contributed by Stein, Aretin, Berckheim and Plessen, and Dümgé began to receive material sent in by Stein, and in conjunction with the secretary, Büchler, to edit and publish through the Andreas firm in Frankfurt the periodical of the society, the *Archive of the Association for Mediaeval Historical Research,* which was founded in June, 1819, copies of each volume being formally presented to the Diet as they were published each year, each copy including six sections.

In Berlin new attempts to secure royal sanction and support for the enterprise in such a way as might assure Prussian leadership in its development, were begun and continued by Karl, Baron von Altenstein, who had been *Kultusminister* since 1817. Altenstein and Bernstorff, the author of the Customs-union and Minister of the Interior, were convinced of the ultimate success of the undertaking, and obtained from Frederick Wilken, the historian, then in Berlin and President of the historical section of the Academy of Sciences, an opinion on the enterprise as so far conducted. The

Berlin criticisms of Dümgé and his announced plan influenced the *Centraldirektion* so far as to increase their dissatisfaction with their editor, and there was repeated friction over the selection and the volume of matter printed in the *Archiv*, which ended at length in Dümgé's resignation April 12, 1822. The efforts of Altenstein to advance plans for the enterprise, though carried on with a persistence and zeal which Stein did not appreciate, failed, on account of the hostility of Koreff, the physician and favorite of Chancellor Hardenberg, from whom Koreff deliberately hid the papers of Altenstein and the Academy. The only results obtained from the King of Prussia were through an interview with him by Stein himself at Ems in June, 1821, after which the King in July give a Cabinet order for 1,000 Thalers. Altenstein and Bernstorff continued their efforts and petitioned the King that an additional grant be made, with the suggestion, not explicitly stated but susceptible of inference, that close connection with the Prussian academy be made a condition of the additional grant. But the additional grant which King Frederick William III was willing to make, 120 Friedrichs d'or, would scarcely have been worth the stipulation, had the King been inclined, as he was not, to exact it. The *Centraldirektion*, however, was glad to consider the views of the Berlin Academy, even grateful for the interest of the Berlin officials, with the exception of Stein himself, who persisted in the view that Altenstein and Hardenberg, to whom he had been frequently opposed on occasion in official life, cared nothing for history. This early activity and interest in Berlin is of interest in view of the fact that ultimately in 1875, under the Prussian Empire, the *Monumenta* came wholly under the supervision of the Berlin Academy.

Indeed, the history of the *Monumenta*, in its successive changes of headquarters from Frankfurt to Hanover, and from Hanover to Berlin, presents a kind of reflex of the trend of German political history in the nineteenth century, first from the defeat of national hopes which was signalized in the Frankfurt Diet, to the struggle for constitutional liberties, with their Anglophil tendencies, which would most naturally be suggested by the new Hanover headquarters after 1831, at the home of Pertz, where presided one English wife after another; and finally the gravitation to Berlin and Prussian supremacy, signalized by the call of

Pertz to Berlin through the influence of von Ranke, Wilken, Grimm and others, which he accepted in 1842.

The elections to honorary and "extraordinary" membership on June 12, 1819, convey to us some political and social indications of the time that are both curious and significant. The Hanseatic ambassador, George Smidt, was a burgher, not a nobleman, and in spite of his official relation to the Diet he was elected, not to the active management, as were other ambassadors, but to the advisory "extraordinary" membership. Councillor Fritz Schlosser, the Frankfurt scholar and critic whom Stein had consulted the previous year before setting the matter afoot in Frankfurt, was also elected to the status of the "underlings" (*Nebenmänner*) of the organization, as he called them. Fritz Schlosser (1780-1851) had with his wife been received into the Catholic Church in 1814, and since retiring from his post as Lyceum-director and Councillor for educational institutions under the Grand-duchy he was at leisure to devote himself to cultural interests, and from this time to the death of Stein in 1831 continued active in that group which exerted most influence on the policy of the enterprise, and had it most at heart. Senator John Karl Fichard also was one of those members-extraordinary who, until his blindness a few years later, was especially influential. Arnold Heeren was similarly elected at this time, Pertz' master at Göttingen, who trained Pertz in his rigid and exclusive devotion to original documents, and who, as Bresslau shows, used independently, as did also Gustav Adolf Harald Stenzel, a teacher of Ranke, the comparative method of source-scrutiny for which Fueter gives Niebuhr more exclusive credit.[4] Among the others were the two Eichhorns, the father at Göttingen, the son Savigny's associate in the "historical school" of legal science; Dahlmann of Kiel; Hüllman at Bonn; von Raumer, the historian of the Hohenstaufens in Breslau; Röszler of Tübingen, one of the more recent of the pioneer source collectors for mediaeval Germany; Ruhs, the historiographer of the Prussian State; Wilken, before 1816 in Heidelberg, now president of the Berlin Academy; the librarians Docen in Munich, Hase in Paris, Hormayer in Vienna (appointed by Archduke John, after an interview with Stein in 1816 on the need of knowledge of docu-

[4] Bresslau, *Geschichte etc.*, notes pp. 112-113.

ment-resources in the Imperial library); Hans von Gagern, William von Humboldt, George Henry Pertz of Hanover and Pfister of Untertürkheim, the correspondent of von Müller in 1805-1807.

In the memorial drafted at this meeting by Fritz Schlosser to the Diet, special point was made of emphasizing the purely scientific aims of the society. But some of the names omitted from the list of members elected at this very meeting show how impossible it was for the executive management to ignore the tense political situation that had existed since the demonstration at Wartburg staged mostly by the Jena students of the *Burschenschaft* on October 17, 1817, reaching its climax in the assassination of Kotzebue by the student Karl Sand on March 23, of that same year 1819. Two names that would have honored that list of members elected on June 12, were those of the great Catholic patriot-publicist John Joseph von Görres, whose *Rheinische Merkur* had wrung from Napoleon the compliment of being called "the fifth power"; the other was that same poet and historian Ernst Moritz Arndt who had met Stein, Goethe and Eichhorn in the Cologne Cathedral when the plan was first, to our knowledge, broached by the man whose perseverance realized it. Görres and Arndt in 1819 had had their papers confiscated by the Prussian government, Arndt was in prison, and Görres had hidden for a while in Frankfurt on his flight from Coblenz to Strasburg. Both of them had hoped for the restoration of the Holy Roman Empire, with guarantees of popular liberty and freedom of the press and of the universities, and had openly voiced their bitter disappointment that the German people had been granted, in the Final Pact of Vienna and in the devitalization of the representative power of the Frankfurt Diet, as Görres expressed it, "only an unlimited right of expectation."

By the desire of the management of the Society for the Exact Knowledge of Early German History[5] to win government support, and by the inherited class-instincts of Stein and his fellow-nobles which confined the support and control of the work to the landed gentry, the enterprise was, under the circumstances, committed to a certain degree of political bias, through the very attempts to satisfy the tests of the reactionary governments of the

[5] *Geschichte für Ältere Deutschen Geschichtskunde*, the title adopted at the January meeting, 1819.

claim of the *Monumenta* to be a purely scientific enterprise. Yet all things considered, that bias was more due to the difficulties of the situation of the venture, than to its spirit. Not so, however, thought the constitutional-liberal historian Dahlmann, in the indignant and resentful excitement that swept over university, literary and scholarly circles after the publication of the arrogant Decrees of Carlsbad, and their docile acceptance by the Diet in the fall of 1819. Dahlmann and his Kiel colleague, Nicholas Falck, wrote a circular letter resigning from their membership in a society managed by men who could make themselves parties to the muzzling of the press and suppression of university and scholarly liberties. Stein could not convince Dahlmann that the Carlsbad decrees had nothing to do with German historical source-publication; but as Bresslau suggests, if Stein had been an author and an academic teacher, he would have done precisely as Dahlmann did. Dahlmann was later reconciled to the society, and did penance, so to speak, for his hastiness by editing a life of St. Anskarius, a task which was not to his taste, but which was executed with care.

The search for manuscripts went on with increasing results. Stein made a journey in the summer of 1820 through Switzerland to Italy with his daughters, and enlisted on the way the services of Pater Ildefons von Arx, who edited the sources for that ancient house. Von Arx had had a career like that of Kindlinger, his studies broken and distracted by the periods of dispossession. In Rome Stein consulted with Niebuhr, and was warmly greeted by Cardinal Consalvi, whom he had met at the Congress of Vienna in 1814-1815. Angelo Mai was then the rigid custodian of the Vatican archives, and Stein did not obtain all the access to manuscripts he had hoped, but was able to run through the manuscripts of German interest in the Palatina and the library of Queen Christina of Sweden, to get fac-similes of Adam of Bremen, Isidore and Peter of Vinea, and to examine the manuscript-catalogue of the Vatican library.

Dümgé had called Stein's attention to the fact that in the Vienna archives were many important manuscripts bearing on French history which Bouquet, in his *Recueil des historiens des Gaules et de la France*,[6] had not used, and he studied carefully Kollar's cata-

[6] *Rerum Gallicarum et Francicarum Scriptores* begun at the suggestion

logue for the Imperial library. The librarians at Munich, at Vienna and at Paris all proved most friendly and helpful. Merian, a former assistant of Stein in his official life, was in Paris, and made some arrangements for copies of many important manuscripts in the royal library there, which later burdened the slender resources of the historical society. Merian employed the services of a young Strasburg scholar named Färber, who on his own initiative organized a school for manuscript-collation, and sent in copies of manuscripts in such quantities that the arrangement had to be stopped. "With us," Merian had written with enthusiasm, "all goes at a gallop." But the gallop was too fast and furious for the Society's resources. Stein at the time was in Italy, and did not realize how rapidly matters were going into expense, and when the coffers of the society were seen to be exhausted with no commensurable gain, Dümgé increased Stein's irritation against him by censoriousness. Goethe, meanwhile, had been having some important collations made, but as the society was unable to meet this expense, Goethe discontinued his assistance.

At this period of discomfiture, the value of Pertz' connection with the work began to be discovered, and his special vocation for it. His doctorate thesis had attracted the attention of Wangenheim and Schlosser and had led to his election to the society, together with his master at Göttingen, Arnold Heeren. In this study he had made a comparative study of the function of the Merovingan Mayors with a similar office held among the Arabs of a certain period. His father had been a bookbinder in connection with the library of Wolfenbüttel, and in these surroundings he had cultivated an early taste for research, which decided him in 1815, while in Göttingen preparing for the Protestant ministry, to abandon that calling to devote himself entirely to German history. He adhered all his life to a rule made then, to read only original sources, a rule from which he departed only under the fascinations of the accounts of Johannes von Müller, and these, says Bresslau, together with a few citations from Ernst Brandes, Hüllman's history, and that of Hume's history of England, are the only secondary accounts of history quoted in his works.

George Henry Pertz (1795-1876) was deeply impressed with

of Aguisseau, French chancellor in 1717, by Martène, published in 8 volumes under Bouquet's leadership, 1738-1754.

his first interview with Stein at Nassau in April, 1820, just before a journey which Stein had arranged for him to make to Vienna for research. During this stay in Vienna Pertz proved himself to have the gifts of a man of affairs as well as a source-student, for though he had a difficult task in attempting to win favor and support for the enterprise in Austrian official circles, he succeeded in creating such a favorable impression, and made such good use of his opportunities, that Stein, Schlosser and others discerned from his reports that the enterprise had won in him a man of the special aptitudes of which it was in need.

On his return, another documentary mission to Rome was given him. Here his tact and address won for him the warm friendship of Marino Marini, prefect of the Vatican archives, with whom he had long chats, and by whom he was remembered with enthusiastic esteem. In access to the archives, he was "favored as no foreign scholar, let alone a Protestant, had ever been." He saw daily the *Liber Pontificalis,* finished the *Regesta* of Gregory IX, and scanned *Regesta* until the year 1268. In the seclusion of Marini's library on one occasion, as Pertz delivered to the Papal official a certificate of honorary membership to the German historical society, Marini produced an ancient manuscript, and—*Ecco!*—Pertz saw before him the *Regesta* of Honorius III.

On the return from Rome, where he formed a strong friendship with Niebuhr, Pertz met in Frankfurt another young man of the same age, with whom he was to be associated for fifty years in the work of the *Monumenta* in the bonds of a genuine, but far from congenial friendship. John Frederick Böhmer had made his first acquaintance with Stein on February 11th, 1823; now on August 19th, he was sent to Pertz to ask him to come to a consultation with Stein at Cappenberg. At this consultation the future leadership of the *Monumenta* enterprise was given to George Henry Pertz.

CHAPTER THIRTEEN.

The *Monumenta* to the Death of Stein, 1823-1831.

Conclusion.

After Stein's dissatisfaction with Dümgé on account of the latter's unfortunate disposition to censure mistakes such as the Färber episode, the impression that the selection of Dümgé himself as editor for the enterprise was also a blunder was only deepened by the contrast afforded to the latter's voluminous but mediocre output, to the important results gained from Pertz' researches in Vienna and the favorable reports of him personally that came in from statesmen and scholars alike. It became more certain that a leader was at hand who would amply redeem the unfavorable effect upon opinion in the academies and in state circles of the Färber *fiasco* and the selection of Dümgé as editor. The latter did not improve his situation by getting into altercations with von Fichard and Schlosser over the superfluous matter printed in the *Archiv.* His temper was aggravated by the sickness of his wife, who could not endure the Heidelberg climate, and he carried the discussion into the pages of the periodical. This was the last straw for Stein, who wrote to Büchler that Dümgé might print his quarrels at his own cost; that domestic trouble might be expected to make a man less rather than more bitter and truculent; that instead of writing pages of contentious matter, it would be better for him to make definition of his future relation to the society, "and this," bit Stein's conclusion, "I await." Dümgé's resignation, worded with a hitherto unwonted brevity and dignity, was accepted by the central management April 16, 1822. With the passing from the history of the *Monumenta* of poor Dümgé, which was not the last nor the worst of the personal tragedies of the enterprise (witness the much later quarrel of Pertz with the gifted Jew, Jaffé, and the latter's suicide in 1870)—the stigma of native pedantry and of partly borrowed theoretic schematization which had been the reproach of German scholarship, was, at least for many decades, effaced. Gatterer's elaborate diplomatic, based on the *Nouveau Traité* of the later Maurists, was

now a thing of the past; the clumsy heaps of undigested collections of Pistorius and Meibomius were now to serve as minor conveniences for methodic pathfinding. *Exeunt* Voltaire's Herr Doktor Pangloss, and Laurence Sterne's Professor Slawkenbergius; enter Niebuhr, Pertz and Ranke; and if with them entered potentialities of the romancings of the Tübingen school of criticism, of Strauss, Baur and Renan, or of the later decrees of the pontiffs of the Higher Criticism; if the source-analysis used in the first volumes of the *Monumenta* gave any apparent support of German authority to the later Cambridge and Oxford types of criticism by innuendo; let us still remember that the history of historical science, like that of all other human things, is an account of potencies as well as of their actual eventualities. The source-analysis of Heeren, Stenzel, and their pupils Pertz and Ranke, and of Niebuhr, made possible or assisted Janssen, Hergenröther, Denifle, Cauchie, Godfrey Kurth, Gasquet, as much at least as they gave occasion for the other types mentioned.

The efficient and devoted secretary, young Lambert Büchler, resigned with his Baden friend and compatriot; hence with Pertz, John Frederick Böhmer (1795-1863) also entered upon official connection with the historical society, his appointment as secretary preceding that of Pertz as editor by about six months (March 15-August 26, 1823). Böhmer, next to Stein and Pertz, is one of the outstanding personalities of the closest and the longest relation to the enterprise, and it is in him and his sympathies that the work of the society in the first half-century of its career came most in contact with Catholic life and scholarship in Germany, though he was not a Catholic, but an "old high" Lutheran. The early difficulties of the undertaking cemented between Böhmer and Pertz, as between Pertz and Stein, strong friendship, which in the former case met well the test of radically different temperaments and sharply conflicting points of view, both religious and political. There is no space here to go into the character and influence of Böhmer, his wide and varied interests and the mark he left upon a younger generation of historians, such as Janssen, Ficker, Kopp and others. In the history of the enterprise he represents the outlook of that baffled Romanticism which saw with increasing heart-sickness the increasing drift of the national fortunes toward Berlin as their center. Even when the Prussian throne was ascended in

1840 by Frederick William IV, who had been tutored in law by Savigny, who had exposed himself to danger with reckless courage in the War of Liberation, and who cherished the "greater-Germany" ideals for which Stein had contended, being even enthusiastic for the revival of the Empire in Austria—even then, when in elation Pertz wrote "For the first time since 1815, a new day seems to break," Böhmer replied shortly "From Berlin I, for my part, expect nothing for Germany."[1] Besides the transaction of the business and carrying on of the correspondence of the society, Böhmer's great work for the *Monumenta* was his publication of chronological and tabulated Regesta or indices of German documents, Imperial, royal, and Papal charters connected with German history, with extracts from them and introductions illustrating their revelation of the inner life of the nation at different periods. The work was accomplished, according to Rosenmund[2] by Böhmer with a distinct undervaluation of the importance of the science of Diplomatic for his purposes. Yet Rosenmund holds Böhmer's disregard for diplomatic, in connection with the great services he actually accomplished, as fortunate rather than a handicap. With more technical knowledge than he had, he would have been hindered at every step of the way by questions as to the genuineness of each document; as it was, he had the courage of an amateur, yet by industry and system managed to set forth the first catalogue of German charters ever made for historical purposes, and arranged with extracts and comments which exhibited the traditions of institutional freedom running throughout the whole mass of documentary record. He began the work in 1825, after 1827 undertook the royal and Imperial documents 911-1313, made extracts from February to May of 48 works for his purpose, and by 1830 had collected 5,180 documents. In this way he proceeded, and beside producing the principal works in 1831, 1833, 1839, 1844 and 1849, he edited the *Fontes rerum Germanicarum* 1843-1868, and other works of the same character in 1832, 1836 and 1854. The *Regesta Imperii,* edited by J. Ficker, E. Mühlbacher and E. Winckelmann, were based on his work, as are the *Acta Imperii selecta,* edited by Ficker (Innsbruck, 1870). He left a great quantity of other material which

[1] Bresslau, *Geschichte etc.*, p. 243.
[2] *Fortschritt*, ch. 4, pp. 43 ff.

were used by his friends in developing and advancing documentary science further.

Both by Pertz and Böhmer, the work of collecting sources went steadily on. In his Vienna sojourn among other works, Pertz had obtained copies of papers of Charlemagne in connection with the Codex Carolinus; of the life and letters of St. Boniface, the *Gesta Francorum,* the *Liber Pontificalis,* the *vitae* of St. Gall, and Adam of Bremen. He copied the Imperial documents to the thirteenth century, and Papal and other important princely documents. The task of source-analysis required not merely a few codices of each work, but as many variant codices as possible unless first glance revealed the unimportance of a codex. It was in Vienna that Pertz acquired special expertness and familiarity in document-scrutiny, and he ruined at least one important manuscript in attempting to get a copy.

A most difficult and discouraging task was the obtaining of scholars who were willing to follow the discipline of the method of source-analysis upon which Pertz insisted in order to secure reliable texts and to distinguish between original and derived evidence in writers. Stein had hoped to organize groups of scholars to take up the authors in different time-periods. In practice this resolved itself into attempts to get individual scholars or collaborative pairs of them to take single works. The Merovingian-Carolingian periods could be well left to Pertz himself; Jordanes was undertaken by the learned Slavist Abbé Joseph Dobrowski, who had had a career similar to those of Pater Ildefons von Arx and Nicholas Kindlinger, in connection with the dissolutions of the monasteries in Hungary. The uncertainties and distractions of the situation had resulted in his insanity between 1795 and 1803, but he was now completely recovered, and all but completely finished editing Jordanes before his death in 1829. Dobrowski had also done important work in collecting manuscripts scattered during the Thirty Years' War. Much less fortunate was Pertz in securing F. J. Richter of Laibach for "the unhappy" Paulus Diaconus; Richter returned the codices after Pertz disapproved of his disregard of the method, and refused to revise his work in accordance with it. Gustav Ad. H. Stenzel and John Voigt undertook the Salic-Frankish period. Stenzel some time later discontinued work for the *Monumenta,* ostensibly because Pertz's name appeared on the title-

page of a cooperative work, but really because Pertz, in the midst of his duties, had neglected him in correspondence. As one of the pioneers in the same critical method which Pertz was laying at the basis of the enterprise, Stenzel's sensitiveness is not hard to understand. The *Gesta Trevirorum* was undertaken by the city-librarian at Trier, Hugh Wyttenbach, together with Franz Joseph Müller; these, too, failed to use the assigned method, and when taken to task, requested the manuscripts back in order to "see what could be done in correction"; but in 1836, in gross violation of the ethics of the situation, they published their edition independently of the enterprise. As the latest recension, much interpolated, was used as its basis, Pertz and Böhmer were glad the *Monumenta* management had no responsibility in the matter.

Since the resignation of Dahlmann during the political tension of 1819, Ricklesz of Oldenburg undertook Adam of Bremen; Lampert of Hersfeld was taken by L. F. Hesse of Rudolstadt; the *Vita Severini* by P. A. Muchar, librarian at Admont; the *Conversio Carantanorum* by Bartholomew Kopitar, of the Vienna library.

Since the sessions at Cappenberg, August 26-30, with Stein, new plans for the enterprise were outlined, and communicated to Böhmer, Heeren, Fichard, Niebuhr and Schlosser, as well as to Bluhme, a scholar-friend whom Pertz had met in Rome and who afterwards edited important parts in the *Leges* section. In the mention of these names we note that the feudalism so evident in the Frankfurt organization of the historical society has all but disappeared, except for Stein's unquestioned headship, and the implicit fealty accorded him in all matters relating to the enterprise. Baron von Aretin had died in 1822, Baron von Wangenheim and Baron von Berckheim had been eliminated from the Diet in the "purging" that body had lately undergone at the hands of the *Grossmächte*. The enterprise from now on took on more the aspect of one of scholars and cultured burghers of high standing. So far was Pertz in control of the new arrangement through the confidence of Stein and the others in his judgment, that he came afterwards to persuade himself, in his later desire during the sixties to have his son Karl to succeed him as the head of the enterprise, that he was the sole legatee of Stein in the disposition of all the society's affairs, financial or scientific. It was this *quasi*-dynastic motive that was to lead to his endeavor to keep Philip Jaffé in a subordinate place in the work, in order that Karl Pertz, who was far from

being the heir of his father's abilities, might be kept in line for succession.

At the Cappenberg sessions between Stein and Pertz in August, 1823, which were later joined by others notified, the sections of the *Monumenta* were determined, in part in accordance with the suggestions previously made by the Berlin Academy. The *Scriptores* had been Stein's more immediate concern from the first, and work on the *Diplomata* began with Böhmer in 1825, as we have indicated. The *Leges* were to include spiritual as well as temporal statutes, and even councils were not excluded. Chronological order was to be generally followed as far as possible, and as terminal points were designated the passing of classical literature and the invention of printing. Economy of space and brevity was to be used in abbreviation and in the so-called *Plagiate,* as well as in laws included in previous codes and in designation of legal formulae. The text was to be based, after selection of the best manuscripts, on one or more codices.

As to the method of source-analysis used and required by Pertz in the *Scriptores,* some discussion has been raised by inferences in Eduard Fueter's *Geschichte der neueren Historiographie* (Munich and Berlin, 1911, 461 ff) and K. J. Neumann's note in *Deutschen Litteraturzeitung,* 1917, that the exclusive origin of this method is to be traced to Niebuhr. Bresslau shows [3] that this method was in essence used by Arnold Heeren, Pertz' master at Göttingen, and by G. A. H. Stenzel, von Ranke's instructor at Leipzig; and that despite Ranke's acknowledgments of debt to Niebuhr, and Pertz' close associations with the latter while in Rome, the presumption created by the evidence is in favor of knowledge both by Pertz and by Ranke, of the method of source-analysis, independently of Niebuhr. Heeren in his studies of Plutarch (1810-1818) in the *Göttingen Gelehrter Gessellschaft* (*De fontibus et auctoritate vitarum parallelarum Plutarchi,* printed separately in 1820) distinguished between "fontes primarii" and other sources, and deduced common sources from comparison of separate accounts. Ranke, as a student at Leipzig, long remembered seeing on the margin of a book in Stenzel's room, the latter's notes indicating upon what sources the author had relied, and how far he was dependent upon them "exactly," says Besslau, "as is done in the *Monumenta* today."

[3] *Geschichte etc.,* p. 112 note cl; p. 113 and note 1.

According to Bernheim, who gives a formulation of this method as used by Pertz and developed by others since, its object is to determine how far a source may contain firsthand testimony. The formulary parts of the document are first separated from the content, the codices are compared with each other to determine the original text, then texts of different writing bearing on the same subject-matter are compared together, or else one text is scrutinized in order to ascertain if possible its original or derived testimony. First the time of the production of the document is as nearly as possible determined, then its authorship, the place of composition being ordinarily subsidiary. The author may state that he is an eye-witness, or he may cite the testimony of others. In the narrower sense source-analysis is tracing the primary source of documentary evidence, and investigating the relationship between different sources entirely from the texts themselves. Among the primary psychological maxims upon which this scrutiny proceeds, is that when two or more men independently testify to the same fact witnessed at first hand, they differ in language, in details noted, in emphasis, in expression. Without going further into Bernheim's description of the method, we remember first, that Robert Flint in mentioning the historical philosophy of the eighteenth century German historian Wegelin, condemns the latter's Leibnitzian observation that no one fact in history is an exact repetition of any other fact. Such an assertion, says Flint, is for scientific purposes barren and meaningless. However this may be, it is to be observed that the method of source-analysis counts very expressly upon the highest probability that independent testimony to facts will present great variety in the impression made by the facts observed, and in the results of any degree of subsequent reflection upon them the variety will be still greater. In such considerations, then, are we very far from those "fine-spun" dialectic discussions in the Middle Ages, which George Ellinger, as we noted, supposed must have had such a bad effect upon the habit of veracity—namely, those observations in St. Anselm of Canterbury and elsewhere about the inadequacy of words in their representations of fact? If an important occurrence or experience shared or witnessed by several persons presents so many facets of approach, appeal, observation, then the facts of history are characterized not only by a certain definite decisiveness, but behind all clear-cut distinctness there is also, in hu-

man apprehension of them, an aspect of many-sided potency, as of something not fully determined or developed. From Hegel's time to our own this notion of a transitional *Werden* or Becoming has seemed frequently the final category under which existence itself is to be viewed; it underlies much of our evolutionary philosophies, from Herbert Spencer's heterogeniety and "transformism," to Croce's immanentism. Only, however, in the scholastic distinction between potency and act in all created things, is this transitional aspect of existence reconciled to the demands of thought for a dominating definiteness and clearness, for a term, an end to transition, in order that transition or *Werden* may not be reduced to impossible absurdity by being conceived, by indefinite extension, to be itself infinite. This does not carry us beyond our theme; for such searches for evidence as we find in the source-analysis of a document, as in the search for evidence in a court of law, keeps too firm a grip on reality to let itself be turned adrift into skepticism because of variety and contradiction in testimony; through all the contradictions it drives toward the kernel of fact, not disdaining to weigh the testimony, even in all its contradictions and variants. Amid all the potencies of undeveloped and transitional process, formless and aimless indetermination, the instinct for reality seeks and finds the relatively fixed and stable act. Something has happened, has been witnessed and experienced, and its reality and definiteness is reflected through all the contrarieties of interest and predilection that sway the testimony from this emphasis or exaggeration to that.

And by the source-analysis of the German historical renaissance, that mediaeval region of testimony that men had been saying was the most unreliable, subjective, and self-deceptive of all evidence, was boldly cross-examined, with confidence and trust in average human sincerity. By this cross-examination, the mediaeval source-writers were not put through a "third degree" as though they were the culprits and criminals of historiography, incapable of telling the truth except under torture, as might be expected if Freeman's jibe at the Middle Ages were to be taken seriously—"Here we are, in the chosen region of lies!"[5] On the contrary, the mediaeval historians are treated as a court treats presumably honest witnesses, who often believe much they have been told, yet in spite of interests and prejudices and predilections, have consciences and

[5] *Methods of Historical Study*, 1886, p. 258.

some regard for truth. Motive and bias are weighed, but testimony is not rejected on account of the mere fact that the witnesses have human interests, nor are arguments of the advocates spurned because these are retained by the accused. Historical research of the Romantic period, even when conducted by the least romantic of its scholars, such as was Pertz, did not start with a cynical and skeptical presumption against mediaeval evidence, as though it were vitiated from the start by faith in Church authority, and zeal to advance Church interests.

The *Monumenta* was in 1824 committed, after much negotiation and discussion as to the *format,* to the Hahnschen firm in Hanover. The St. Gall sources edited by von Arx were postponed to the second volume, which appeared in 1829, so that the first volume contained the greater part of the annals and chronicles of the Carolingian period then known, and were edited by Pertz alone, with defects due to the haste and eagerness with which publication was pushed forward. Three forms of title for the whole work were submitted to Stein by Pertz, not greatly differing from each other, of which Stein selected the form: *Monumenta Germaniae Historica inde ab anno Christi* 500 *usque ad annum* 1500; *auspiciis societatis aperiendis fontibus rerum Germanicum medii aevi edidit* G. H. Pertz. *Scriptorum* Tomus I. The name of the society, together with its German form *Gesellschaft für Deutschlands ältere Geschichtskunde,* the motto *Sanctus Amor Patriae dat Animum* surrounded with an oaken wreath, had been selected on June 12, 1819, in the first year of the organization. The thought of dedicating the volume to Stein had occurred to Pertz; but this was overruled by the opinion of both Böhmer and Schlosser. As Schlosser wrote to Böhmer, May 28, 1826: "It seems certain that the enterprise will outlive all its founders. In that case the deserved garland were better laid upon the grave than placed upon a living head. Whoever has good will toward Herr von Stein, whoever knows how to love and honor him, may utter or write to him his joyful thanks for the most national work of our time; but I think we would wish to avoid a custom which has been already misused by flattery, and since we may not outwardly present the undertaking to 'all Germans' nor to 'the common Fatherland,' the inward dedication is sufficient."

With a heart full of happiness Baron von Stein received from

Pertz' hand in person, after the letter of announcement and gratitude of August 14, 1826, the first volume of the *Monumenta Germaniae Historia*. The appearance and the typography of the book in its folio format delighted him, and he now saw the first-fruit of the persevering efforts of ten years. A hard struggle was still ahead before the first period of the life of the undertaking was to close with the death of its chief founder in 1831. From 1825 to the end of that decade, financial prospects grew steadily more dismal. The former subscriptions having been exhausted, attempts to gain new ones from the governments failed. Niebuhr took up the matter; and once more the Prussian ministers intimated that something might be done if the society consented to become, to all intents and purposes, a Prussian concern. Then Savigny suggested that a popular appeal for support be issued through subscriptions at a doubled price, and that a new society be formed of well-known men, for the purpose of financing the *Monumenta*. Pertz was interested, corresponded with Savigny, and obtained Stein's consent, given without hope in the plan, as he himself had before tried appealing to the public—to lay the matter before the board. But both Böhmer and Schlosser, the Frankfurt burghers, were unfavorable. A report of the financial condition of the society was sent to the governments and the contributing members, and some private subscriptions came in. In the end, Stein himself had to meet the main financial burden, and could hardly be blamed if he had prepared to wind up the affairs of the publication, thankful for the publication of the two first volumes of the *Scriptores* in 1826 and 1829. What he actually did was to write to Schlosser, May 21, 1831: "Let the German public and the governments treat the publication with coldness and heartlessness: I for my part, so long as I live, will do all in my power for its promotion." To the last, he was busy with ways and means. On June 29, after the letter to Schlosser, he was dead.

It is indeed true, and is proved by repeated expressions by Stein, Pertz, Böhmer and Schlosser, that the *Monumenta Germaniae Historica* was a historical venture with a strongly national motive. But was it the less scientific on that account? There are those who seem to assert that the history of any strongly-knit group cannot be traced with truthful impartiality because of the pressure of defensive and apologetical interests, because, presumably, loyalty to the group must be based upon illusions about it. But, let us mark, the

same danger, on the hypothesis, besets the scientific student of the progress of science itself. As he traces the struggle of inductive inquiry against the prejudice and inertia of vested interests and established custom, he, too, has his intellectual Fatherland, his Robin Hoods in Lincoln green, his Goetz von Berlichingen in shining armor, his William Tells and Egmonts and Andreas Hofers. And in such accounts those who are pictured as the deadly foes of Copernicus and the other heroes of rational progress were, many of them, not the foes of science at all, but the defenders of the theological or philosophical science they knew best against barbaric and obscurantist attacks from really worthy exponents of other branches of science.

The "Historical" schools of Romanticist research after the revolutionary period were urged back to recover and understand the past because they had seen the brutal waste and destruction of schemes that had been called progressive and enlightened. They saw Nationality, not as a homogenous mob circulating its fatuous maxims and shouting its truculent slogans, but as a strand interwoven of many traditions, made dear by homely duties and sacrifices faithfully offered and performed by many generations. Moreover, they saw in the German nation, or hoped they saw, an enduring quality that could survive even the bitter wounds of religious conflict; they hoped that from the past there still flowed healing influences that might bring together two hostile groups widely sundered, both smarting for a long time, one with challenges to its pride of race, power and accomplishment, the other with a deep though patient sense of outrage and injustice. It saw in the Nation, not an order of things consolidated by finance, by armaments and conquest, but an organism ultimately drawing its common life from the spiritual and cultural life of a common Christendom. Seeing through a glass, darkly, this common background of the Christian nations; feeling, as they did, the confusing urge of race and of distorted traditions, the scholars of the *Monumenta* longed to give to posterity, through the hard discipline of research, such an unmistakable knowledge of the elements that entered into the life of that nation in the distant past, that might bind those generations in a national consciousness which, they felt, might become a guerdon of the social unity of all Christendom.

Were these visions of their nation an illusion? Was the Ger-

many of Stein's day nothing other than the Germany which Bismarck later welded together with blood and iron? Once more we repeat, subsequent developments do not always clarify the history of an earlier period. So long as human beings are *potency,* as well as *act,* we must study both in any given period. When Robert Flint objects to the Leibnitzian philosophy, that "History knows the actual Tarquin of the actual world; but it knows nothing of possible Tarquins in possible worlds," he states an antithesis which is untrue to human experience, precisely because the actual world and the actual Tarquin cannot possibly be known at any stage of development without taking into account possibilities which are excluded in the next stage of development. Tarquin before his crime must not be regarded exclusively in the light of his subsequent crime. The Germany of Stein must not be judged in the light of the Ems telegram or the invasion of Belgium. The Middle Ages are not to be as a whole estimated in the light of the reception of Roman Law by the Empire, nor in the light of the Reformation revolt. All these facts existed as potencies before they were actualized; but unless we see many other potencies, we do not even truly see those later actualities. Hence, when we study historical criticism in the Middle Ages, and observe its slowness and hesitancy, and compare it with the rapid and brilliant awareness of anachronism among the humanists, it is a false association of ideas to assume that the secular spirit of the Renaissance was essential to the later gains made in criticism, or that the revolt against the authority of the Church was essential to the later progress in experimental science. Such an association of ideas is not unlike that of the Chinese in Charles Lamb's fable, who imagined that a house had to be burnt every time a pig was to be roasted.

The price that progress itself in any science exacts, is not those devastating destructions of value which so often accompany its stages. One would suppose, from Langlois' account of the changes in the documentary situation which resulted in the concentration of so many documents in state repositories after the revolution, that if it had not been for the secularizations and the confiscations of the previous half-century, sources could never have become accessible to scholars.[7] Of such an inference the history of the early

[7] Langlois and Seignobos: *Introduction to the Study of History* (tr. by E. E. Berry) London, 1898. Ch. I, p. 23.

efforts of Stein, Pertz and Böhmer to gather the scattered and hidden codices after the secularizations, is a clear confutation. They were compelled often to go to those very monks and priests who had been dispossessed and turned into the streets, to get a clue to the lost treasures; and if many of the manuscripts for which they searched were accessible otherwise, stored in libraries in Vienna, Munich and Paris, little thanks for this was due to the spirit and the design of the Imperial commissions of Josephism or the French committees of Public Safety. That records were preserved and stored was rather due to the satiation of the lust for destruction, to the sheer conservative inertia of those in power, disinclined to press to manifest absurdity their program in opposition to the scholarly instincts of librarians and archivists in government posts. Even as it was, as Langlois admits, in France there was much destructive "weeding out" of supposed superfluous documents so that the great mass of material might be accommodated to the space which the revolutionary governments thought sufficient for such purposes; and it is not to be imagined that the German governments which until 1845 pursued such a niggardly policy toward a national enterprise of source-conservation such as *Monumenta* was, would have gone to much extra expense to enlarge library-space to accommodate additional material.

Our sketch, we believe, has given sufficient evidence of the fact that progress in learning and critical study is inseparable from recovery of lost values, from the reintegration of neglected and distorted traditions, and the development of their formerly thwarted potentialities; that the mediaeval preservation of fragmentary documents and memories of antiquity is not to be dissociated from the eventual historical sensitization of the Renaissance with respect to antiquity; that the beginnings of modern criticism have a historical relation to the documentary valuation and scrutiny of the mediaeval chroniclers and annalists; that the foundations of modern documentary science were laid in the defense of the essential reliability of the remoter mediaeval charter-evidence and in the development of an essentially mediaeval tradition of research, a tradition capable of criticising itself, capable within itself of vital growth, and in fundamental need of no hostile attack to stimulate this growth, except as human frailty and inertia generally needs the goad of opposition. We believe we have adduced evidence that in these begin-

nings of historical science the tendency to fundamental and universal doubt was not an aid, but a hindrance; that historical Pyrrhonism was compelled, in order to bring force to bear upon men's minds for its destructive ends, to borrow from presumptive faith the dynamic concepts of progress in human affairs and of the supremacy of law in nature, and a teleological view of existence, to distort and exaggerate these concepts in order to give currency to a new perspective of "Universal History" that should rival that of St. Augustine, of Otto of Freising and of Bossuet; that the institutionalized Protestant attack upon the Catholic Church was forced to defend itself by abandoning all claim to self-consistency, by defining human progress as sheer mutability, by claiming progress therefore as the exclusive prerogative of Protestantism, and by erecting the secular state as the supreme and irresponsible organ of that type of progress; that under the influence of these combined perspectives hostile to the Catholic Church, a concerted attack was organized under state power upon the foundations, both documentary and institutional, of historical evidence and historical certitude, which took the form of a systematic attempt to make the state the sole custodian of all past records, where they were not scattered or destroyed; that this program of "enlightened despotism" resulted unexpectedly in a violent resurgence of racial, economic and national social forces which reversed the whole relation between the States and the Nations whose development they had been controlling hitherto, turned the State into an organ of national economic interests and in part at least dethroned it from its formerly unquestioned presidency over cultural life. Art, science, historical research from that time, as we see in the *Monumenta enterprise* as in the careers of creative workers, must learn to find its footing and support in the social *milieu* of the great public. The Church once more found herself in more direct contact with the people of her allegiance, less hampered by mediating and meddling governments. Historical research, released from the atmosphere of the pragmatic study of history as polite literature, instructive for statesmen, entertaining for noble patrons—by an inevitable instinct sought the recovery of its ancient documentary tradition. And as the Italian renaissance marked the full recovery by historical sensitization of that antiquity toward the knowledge and understanding of which the mediaeval scholars had been slowly but steadily advancing; so

the historical renaissance of Germany in the early nineteenth century, by a similar sensitization, began to seek and to discover the great Christian and Catholic ages in which the essential elements of its own source-valuation had been continuously preserved since the Latin Fathers; the ages when a vivid and dramatic and ever-growing life was mirrored, as Stein said in effect to Böhmer at their first meeting, in sealed and authenticated charters.

Of great significance in the course of our study are the observations to which it has given occasion, in regard to those fields of research and scholarship generally in which it is possible for Catholic and non-Catholic, even non-Christian thought, to come into co-operative and fruitful contact. At the outset we noted that the tradition of Patristic historiography was based upon a certain positive valuation, however discriminative and guarded, of the virtues and the cultural achievements of pagan antiquity, and that without such a valuation the heritages of ancient civilization could never have been as it was, so scrupulously and continuously preserved, remoulded and reapplied in the construction of a new social world. In the work of Otto of Freising as of St. Thomas Aquinas, that valuation showed fresh development, not merely in clearer and more accurate investigation into the antique sources in historical and philosophical fields, but in contacts with the oriental scholarship of Byzantium, of Moslem Spain and of Jewish thought. While Catholic thought must always insist on relating all knowledge, ultimately, to the content of the Faith in which it centers, and while in consequence of this responsibility it willingly pays the price of a certain isolation, even that very Faith which requires this isolation of its adherents, requires just as emphatically that this isolation be not an absolute one, but that in thought and learning as in life and citizenship, Catholics shall take their full share in contributing to the common store of human discovery, creative achievement, scientific knowledge; and that in so doing, they shall give glad and unreserved cooperation to others in such tasks, according to their gifts and opportunities, and in so far as such cooperation is welcomed. In our study we have been able to note how wide that field of cooperation is possible in scholarship, even under the most unfavorable conditions of bitter controversy and estrangement. The disciplined humility and transparent honesty of men like Baronius, Papebroch, Mabillon found their way

through the bitter smoke that filled the intellectual atmosphere of their times, and here and there even among their opponents, there was generous response of admiration and appreciation that certainly must have hastened the general recognition and the utilization of their achievements, both in Protestant and Catholic circles. And little though the great mind and comprehensive vision of Leibnitz was able to accomplish in his efforts for the union of Christian society, little though he understood, in his native optimism, the grave difficulties of such a problem, yet the spirit and the example of his Christian zeal for tolerance and mutual accommodation marked the beginning of an era of better feeling, even if of wider actual divergence between the Catholic and the Protestant worlds of culture. As we approached the revolutionary and Napoleonic periods, we could not but note a certain contrast between the German atmosphere of Protestant scholarship and that which has been maintained in English Protestant academic circles; in Germany the Reformation tradition never was able to entrench itself in such isolation and self-sufficiency, and with such complacent sense of cultural superiority, as in the Island Empire and its colonies. German Protestant scholars were aware of the Catholic Church as an important part of German life, and could not always think of it with the dense and contemptuous ignorance that is even still possible among English-speaking peoples. Hence the conversion of a scholar to the Catholic Church was always within the recognized possibilities, even before the rapid series of converts in the Romantic period, beginning with Count Fritz Stolberg in 1800. The career of Johannes von Müller, with his work and associations both in the Austrian and the Prussian capitals, illustrates this fact, and in this and in other respects he was, as we have noted, typical of the national spirit that characterized that collection of documents for which he had hoped and planned during the years of Napoleonic domination.

The Society for the Knowledge of Early German History, and its work, the *Monumenta,* from the first contemplated the cooperation of Catholic and Protestant scholarship, and succeeded in no small measure in enlisting that cooperation. Even after the Prussian Academy took over the enterprise in 1874, some of its most notable workers in the *Diplomata,* Ficker and von Sickel, were of Austrian origin. The attitude of Stein, and that of Böhmer, toward con-

fessional questions, we have sufficiently made clear. The important share of Fritz Schlosser in the councils of the enterprise from the beginning, is sufficient evidence of this aspect of the spirit of the enterprise. In this respect the group of British scholars who worked with Lord Acton later, is hardly analogous; for if Acton had been a more typical Catholic, and had not been connected by family and sympathies with Döllinger, his influence in England would hardly have found the channels that it did.

In closing our study with this stress upon the fundamental aim of Stein to combine Catholic and Protestant scholarship in the *Monumenta,* we may observe that even here it harmonizes with what we have been describing as its "mediaeval" inheritance. It was not foreign to twelfth-century chroniclers and schoolmen and their habits of thought, to state without heat or exaggeration opinions which they held to be most heretical, even anti-Christian, and to be confessedly and habitually aware of the existence of those views; and that which is now the fashion to call the "syncretism" of early Christian lore, inherited as it was by mediaeval scholars, was simply a discriminative cooperation of Catholic with non-Catholic thought and study wherever this cooperation was judged possible by them. And in our own time, in proportion as non-Catholic learning becomes solicitous for the preservation of evidence of the past, and values documentary sources assiduously and critically, the more distracting is felt by such scholars an atmosphere of hostility to the Catholic Church. Conversely, that which Leo XIII affirmed with reference to the opening of the Vatican Archives is susceptible of general application to Catholic interest in documents:[8] It has nothing to fear from their examination or publication.

[8] Art. *Roman Historical Institutes* by Paul M. Baumgarten in *Cath. Encyc.* VIII, p. 61; Ludwig von Pastor's autobiographical sketch in *Die Geschichtswissenschaft der Gegenwart in Selbstdarstellungen* (Leipzig, 1926); reviewed in *AHR,* XXXII (1927), p. 606. Pope Leo's words to Pastor in private audience were: "*Non abbiamo paura della pubblicita dei documenti.*"

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the preservative of these heritages, is a consideration that naturally is not given full weight by any of these three scholars; but they are unanimous on the essential nature of the cultural heritage that is being imperilled by modern conditions and ideals. What More and Babbitt feel more keenly than Troeltsch, is that freedom and personality cannot be vindicated upon a metaphysic that is essentially subjective and mutable, lacking permanent principle.

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VITA.

William Miller Gamble, born in Paris in 1875, where his parents lived two years, his mother, Seraphina Miller Gamble studying painting at the Louvre, his father attending lectures at the Sorbonne during the period. The family lived abroad for a few years afterwards, returning to the United States in 1881, and the children received their primary education at the York Collegiate Institute, York, Pennsylvania.

The father's life-work, before marriage, had been in Che-Foo and Shanghai in China, where in charge of the American Mission Press under Presbyterian auspices, he made inventions in the manufacture of Chinese movable character-type and so classified the numerous characters that printing in movable type was revolutionized both in China and Japan, placing publications in these languages, in such type, within more general reach than previously by reducing cost and labor. His classification of words according to their frequency of average use was known in the Far East as "Gamble's characters," and was used not only in typesetting arrangements, but by lexicographers and others in works to facilitate the learning of the language. William Gamble, Sr. was a native of County Donegal, Ireland. Mrs. Gamble was the daughter of a German Reformed minister in Pennsylvania, who was active in a movement in his denomination, analogous to the English tractarian movement but more directly connected with German-speaking Protestantism, toward higher sacramental doctrine and practice. Seraphina Gamble's conversion to the Catholic Church, together with that of her daughter Anna Dill Gamble, occurred in 1917.

William Miller Gamble received his collegiate training at Princeton, graduating in 1898. A few years later he became an Episcopalian, and after a brief period in newspaper work, studied for the Episcopalian ministry and was fully ordained in that body in 1905. He had pastoral charges in Pennsylvania, New York and Illinois during a ministry of seventeen years. In the spring of 1914 he was evening preacher in St. Mark's-in-the-Bouwerie, New

York, and through his own radical sympathies, had opportunity to observe revolutionary psychology in that section.

In the *Atlantic Monthly* of August 1912 his brief rejoinder to Meredith Nicholson's question "Should Smith go to Church?" was published, selected by the editors from a number of others on the same theme. "Hungry Generations," an essay, appeared December of the same year; "Religion, a Function or a Phase of Human Life?" a defense of tradition in religion, appeared July 1913 in the same magazine.

His conversion to the Catholic Church occurred in 1922, and he was received into the Church on All Saints' Day of that year.

Special interest in mediaeval history had been occasioned, before his conversion, by serious consideration of the claims of the Catholic Church, and the hope of receiving light on the question, not through direct inquiry into Catholic sources of information, but through objective historical study. In pursuing this object, he consulted an Episcopalian university professor who suggested further consultation with historical scholars in the Catholic University, since he was at the time taking residence near Washington. Following this suggestion and consulting with Monsignor Pace, Dr. Guilday, Dr. Ignatius Smith and Dr. William Kerby, without disclosing to them the nature of the real question he hoped in one way or another to resolve, he received from them helpful suggestions, given with tact and with respect for the reserve which concealed the motive of the inquiry. Personal acquaintance thus formed, as well as the study pursued, contributed to the settlement of the question within the year following.

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